

**EXHIBIT 3**

**AFFIDAVIT OF JENNIFER ELLIOTT**

NOW COMES Jennifer Elliott, of 46 Holderness Road, Center Sandwich NH 03227 (business address of Law Office of Leslie H. Johnson, PLLC), and upon oath states as follows:

1. I am employed as a legal secretary with the Law Office of Leslie H. Johnson, PLLC.

2. I reviewed portions of the following deposition transcripts:

- a. Michelle Brown dated 10/22/12;
- b. The Honorable Edwin Kelly dated 11/07/12;
- b. Brenda Knapp dated 10/19/12;
- d. Pamela Kozlowski dated 10/19/12 and 10/26/12;
- e. The Honorable Lawrence MacLeod dated 11/07/12;
- f. Attorney Jennifer Moeckel dated 03/29/13; and
- g. Lisa Towle dated 11/02/12;

all of which are true and accurate copies of excerpts from each respective deposition transcript.

3. I reviewed portions of said deposition transcripts to determine which allegations of Paragraphs 13 and 14 of the Complaint had been observed by the witness; whether the witnesses had knowledge of the items discussed in Paragraphs 13 and 14 of the Complaint (whether told by Michele Walker or otherwise had knowledge); and/or, whether any witnesses agreed that said items constituted harassment or were otherwise inappropriate for the workplace.

4. Attached hereto as Exhibits 3B through 3H are true and accurate copies of my notes (which list the pages at which each item of Paragraphs 13 and 14 of the Complaint are discussed) and the referenced pages from said deposition transcripts. I do not know whether said items are discussed at other pages in said deposition transcripts. Where signature pages are missing to the deposition transcript, it is because we have not received them back from opposing counsel.

5. After completing my aforementioned review, I then marked up Paragraphs 13 and 14 of the Complaint, attached hereto as Exhibit 3A. For each item that was observed, it is circled for each witness that observed it. If it is circled twice or more, this indicates multiple witnesses observed it.

6. Each time the item has at least one witness who was aware of it or heard about it, the item is underlined. If it is underlined twice or more, this indicates multiple witnesses were aware of it.

7. For each witness who agreed that if the item happened, it could constitute harassment, or at least be inappropriate in the workplace, I placed the witness's initials next to the item. Initials are MB for Michelle Brown; EK for The Honorable Edwin Kelly; BK for Brenda Knapp; PK for Pamela Kozlowski; LM for The Honorable Lawrence MacLeod; JM for Attorney Jennifer Moeckel; and, LT for Lisa Towle.

FURTHER AFFIANT SAYETH NOT

/s/ JENNIFER ELLIOTT  
Jennifer Elliott

STATE OF NEW HAMPSHIRE  
COUNTY OF CARROLL

Personally appeared Jennifer Elliott on this 19<sup>th</sup> day of April 2013, and upon oath affirmed that the above facts are true and accurate to the best of her knowledge and belief.

Before me,

/s/ MONA J. TARDIF  
Print Name: Mona J. Tardif  
Notary Public  
My commission expires: 05/09/2017

initials = agrees this  
would be hostile or harassment

     = has knowledge  
O = observed

Plaintiff in care of her attorney on or about 06/06/11, and this Complaint is filed within 90 days of receipt of the Dismissal and Notice of Rights.

### STATEMENT OF FACTS

12. Michele M. Walker was employed as Clerk of the Littleton District Court n/k/a the NH Second Circuit-Littleton District Division commencing on or about 11/09/96. At all times, she was qualified for the position and performed her job well.

EK JM 13. During the course of her employment from the winter of 2007 until she left work on or about 08/20/09, Plaintiff was subjected to severe and/or pervasive sexual harassment which created a hostile work environment. Said harassment included, but was not limited to:

PK EK JM LF a. Repeated requests by coworkers to participate in homosexual activity even though she was known to be heterosexual and married;

PK EK JM LF b. Coworkers repeatedly and openly discussing openly participating in homosexual activities with one another;

PK EK JM LF c. Coworkers bringing in and showing pictures of homosexual parties they were involved in.

EK JM LF d. Comments such as:

EK JM LF i. "I can still land a guy in his twenties;"

PK EK JM LF (ii) "I gave the bailiff a blowjob and he never had it done with a tongue ring before;"

PK EK JM LF (c) Numerous sexual comments made back and forth between two or three coworkers about a judge of the Littleton District Court, which for purposes of decency the comments will not be set forth herein. In fact, coworker M. Brown ('Brown') openly discussed her sexual feelings for this judge;

PK EK JM LF (f.) Sexually offensive jokes;

PK EK JM LF g. Coworker L. Gilman ("Gilman") lifting up her shirt showing her belly ring to Plaintiff and asking if Plaintiff wanted to see her nipple rings;

EK JM LF (h.) Plaintiff picked up the Family Division phone to cover for absent coworkers when a male voice said, "Hello, Mrs. Blowjob. You were good last night." When Plaintiff identified herself, the individual hung up;

PK EK JM LF i. In 2008, Gilman circulated a sexually explicit joke via email. Instead of it going to Plaintiff's email, it went to M. Walker at Lancaster Probate Court who contacted Plaintiff and stated she did not like the email and found it very offensive. To the best of Plaintiff's knowledge and belief, M. Walker filed a complaint with the Administrative Office of the Courts against M. Brown;

EK JM LF (j.) In the beginning of 2009, Brown made phone calls back and forth with her boyfriend and then announced to everyone that she would be going home for a very long lunch hour, that she could not wait to see her boyfriend because "they had things to catch up on," insinuating sex. Brown was gone for two hours. When Brown returned, she had on a different set of clothes. When asked why she changed her clothes, Brown stated she had no choice;

PK EK JM LF k. Brown, referring to a NH State Trooper she thought was attractive stated, "I just want to lick his teeth;" and,

PK EK JM LF l. On or about 08/17/09, Brown asked Plaintiff if her husband could "still get it up or does it not work anymore;" referring to an erection.

JM 14. During the course of her employment from the winter of 2007 forward, Plaintiff was subjected to a hostile work environment and retaliation, including but not limited to the additional following events:

PK JM a. L. Towle ("Towle"), a coworker of Plaintiff, calling her a bitch on several occasions;

PK JM b. Towle yelling and screaming in her face on numerous occasions;

JM c. Towle saying to Plaintiff such things as, "I hate you," "You're such a princess," and "I don't have to listen to you."

PK JM (d.) On or about 07/21/09, Towle made a comment that she had a lot of knives at home with lots of names on them and then looked directly at Plaintiff and smirked;

PK JM e. On or about 08/11/09, Towle became red-faced and angry, yelling at Plaintiff, "I told you not to answer my phones or wait on the customers!"

PK JM f. On or about 08/12/09, Towle again became red-faced and angry toward Plaintiff. Towle was so angry that her hands were shaking, and she said, "Go ahead, talk to Brown, bitch. It won't do you any good now. They will believe me not you!" At this point, Plaintiff became scared for her safety at work;

PK JM g. On or about 08/13/09, Towle approached Plaintiff on at least three occasions that day, yelling and red-faced; and,

PK JM h. Plaintiff observed other improper activities at work which were contrary to various public policies, including but not limited to the following:

PK JM (i.) Towle telling Plaintiff that she went with her son to her ex-husband's house in the middle of the night so he (the son) could write foul things

on the ex-husband's vehicle. Plaintiff reported this to Judge Cyr, Brown and P. Kozlowski ('Kozlowski'). Nothing was done about it;

PK JM (ii.) Towle discussing her personal legal problems with her attorney in a loud and very upset manner at the court window during business hours;

PK JM iii. Towle reviewing financial information in confidential documents submitted to the Littleton Family Division for her own dating purposes;

PK JM (iv.) On or about 08/17/09, Brown sat at a spare desk in the District Court office and shopped for a car online most of the day.

15. Despite Plaintiff having made multiple complaints to her supervisor, Kozlowski, regarding the sexual harassment, hostile work environment, and inappropriate activities of coworkers as set forth in court policy, Plaintiff was actively discouraged by Kozlowski from bringing the nature of the incidents to light and informed Plaintiff she was afraid of what would happen to Plaintiff if she reported the incidents. Kozlowski failed/refused to take corrective action to report Plaintiff's complaints in accordance with the court's harassment policy, or to take other steps to help Plaintiff escape said harassment. Kozlowski repeatedly told Plaintiff that G. Apicelli ('Apicelli'), Kozlowski's direct supervisor, did not like Plaintiff, that the incidents were occurring in the Family Division and were, therefore, outside of Kozlowski's ability to do anything about them, that Brown was one of Apicelli's "golden girls," and Plaintiff should not make any complaints against Brown if she knew what was good for her.

16. To the best of Plaintiff's knowledge and belief, Apicelli was in charge of the Family Division as well as being Kozlowski's direct supervisor.

Brown

Knowledge Observed

13a

13b

13c

13d i

13d ii

13e

118-119

118-119

13f

13g

13h

121

13i

122

13j

122-123

122-123

13k

13l

14a

14b

14c

14d

73, 75, 80, 81

73, 75, 80, 81

14e

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14f

14g

14h i

125, 126

125, 126

14h ii

14h iii

14h iv

128, 129

128, 129

47-129

EX 3B

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

\*\*\*\*\*

Estate of Michele M. Walker, Charles E. Walker,  
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of  
the Courts and State of New Hampshire - NH Second  
Circuit Littleton District Division -  
Administrative Office of the Courts

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DEPOSITION OF MICHELLE BROWN

This deposition taken by agreement of counsel  
at the Office of the Attorney General, 33 Capitol  
Street, Concord, New Hampshire, on Friday,  
October 22, 2012, commencing at 9:05 A.M.



1       that you needed to call Michele?

2 A       I spoke -- I reached out to Gina during this  
3       whole exchange, and this response was based on  
4       my guidance from my administrator, from Gina,  
5       and then when I sent her the e-mail where  
6       Michele says she is going to be contacting HR,  
7       Gina told me to pick up the phone and just  
8       call her, figure out what it is about.

9 Q       And when you say this e-mail, AOC 1437?

10 A       Correct.

11 Q       And when you called Michele, do you recall  
12       what she told you?

13 A       She told me she had concerns about Lisa  
14       copying her, and her hair.

15 Q       Had she ever complained to you about that  
16       before?

17 A       No. About her hair, there was mention of a  
18       birthday that took place, and I think it was  
19       Martha's birthday, and that Lisa made a  
20       comment about the knife, and Michele thought  
21       it was directed towards her. I don't remember  
22       what else she had told me. I took notes that  
23       day when I spoke to her.

1 MS. DEMPSEY: Wait for a question.

2 Q We are looking at Exhibit 15, and let me  
3 switch originals for you.

4 When were these notes from?

5 A I don't remember this first page that is on  
6 here, but it looks like the pages thereafter  
7 are me just writing down the things she is  
8 telling me, and I can remember being really  
9 quiet during the phone call and telling  
10 Michele, I want to let you know I am still  
11 here, I am just taking notes about everything  
12 you are telling me.

13 She was telling me an awful lot.

14 Here is the reference to the knife. This  
15 definitely. I just don't remember this piece  
16 of it.

17 Q And you mean the first page?

18 A Correct.

19 Q But it is your writing?

20 A Yes, it is.

21 Q And let me show you this, I think this is your  
22 typewritten version of that, and let me know,  
23 take a look at it, and I will have it marked

1 A Having an outburst, would be inappropriate.

2 Q Lisa forbids Michele to help customers  
3 regarding pulling forms, is that appropriate  
4 or inappropriate?

5 MS. DEMPSEY: Objection as to form.

6 You can answer.

7 A Both courts should help each other out.

8 Q What about the report that "Lisa has an  
9 attitude, gives angry looks and is  
10 disrespectful," would that be conduct that  
11 should occur?

12 A Which one is that? That is not good conduct,  
13 I guess.

14 Q Michele reported to you she couldn't work with  
15 Lisa due to her insubordination.

16 A Is there a question?

17 Q Did Michele report that to you?

18 A That is what she told me in that phone call.

19 Q And the next paragraph is about the birthday  
20 cake.

21 "They had cake, and when Stan got  
22 the knife, Lisa made a comment something like  
23 I have a special knife for special people and

1       was looking at Michele."

2               Was that a comment that was of  
3       concern to you?

4 A       I just learned of it. This is again, this is  
5       what -- I am describing what Michele had told  
6       me over that phone call.

7 Q       And my question is, after the phone call,  
8       thinking back about the conversation, the  
9       comment of the knife, was that something that  
10      raised a concern to you?

11           MS. DEMPSEY: Objection as to form.  
12      You can answer.

13 A       This didn't raise -- No, it didn't when I  
14      heard that.

15 Q       If, in fact, that happened, would that concern  
16      you?

17           MS. DEMPSEY: Objection as to form.  
18      You can answer.

19 A       I guess it depends in what context it was  
20      said. I can't --

21 Q       "I have a special knife for special people,  
22      and was looking at Michele"?

23 A       If she said that --

1 Q Could you turn to page 4, and look at number  
2 13, and I know you are only there every few  
3 weeks at Littleton District Court, correct?

4 A I could have been there every week, every  
5 other week. I could have been there for an  
6 extended period of time. It all depended on  
7 the use -- there was no set schedule. It is  
8 not necessarily every few weeks. It could be  
9 once a week. I could have been there for an  
10 extended period of time, or again, I could  
11 have been there once a month. It was just all  
12 about need.

13 Q And in July and August of 2009, you don't  
14 recall how often you were there?

15 A I don't, no.

16 Q Looking at number 13, if you could go through  
17 to yourself, and read A and then B and then C,  
18 and let me know -- if you get to one where you  
19 know, have any factual knowledge about the  
20 allegations?

21 MS. DEMPSEY: Objection as to form.

22 Q We can go through each one. Number 13A, I am  
23 not going to read it into the record. You can

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1 read it to yourself, and then I will ask you a  
 2 question.  
 3 A Okay.  
 4 Q Do you know anything about that?  
 5 A No.  
 6 Q B, do you know anything about B?  
 7 A No.  
 8 Q How about C?  
 9 A No.  
 10 Q How about D-i?  
 11 A No.  
 12 Q How about D-ii?  
 13 A No.  
 14 Q Do you even know who that refers to, D-ii?  
 15 A No.  
 16 Q E?  
 17 A I know what this is in regards to.  
 18 Q What is it in regards to?  
 19 A Michele had said that I had made comments  
 20 about Judge MacLeod and whether or not he wore  
 21 underwear or boxers, something to that effect.  
 22 Q Had you made any comment about that?  
 23 A I did.

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1 Q And when, approximately, was that?  
 2 A I don't recall.  
 3 Q Do you remember if you made that comment more  
 4 than once?  
 5 A I don't know if I did.  
 6 Q Do you remember what else you said about judge  
 7 Brown?  
 8 A Judge MacLeod.  
 9 Q I am sorry, Judge MacLeod?  
 10 A No.  
 11 Q Do you remember something about ordering  
 12 hamburgers and beef with respect to Judge  
 13 MacLeod?  
 14 MS. DEMPSEY: Objection as to form.  
 15 You can answer.  
 16 A Not in regards to Judge MacLeod, no.  
 17 Q In regards to someone else?  
 18 A When the comment about the big beef was made  
 19 to me by Michele and Brenda and others, when I  
 20 was there, they knew I liked cheeseburgers,  
 21 and they would say, okay, Brownie, Porfido's  
 22 menu came through. You want the big beef and  
 23 kind of like sexual innuendo, but it wasn't --

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1 it was not me saying it. I was the recipient  
 2 of the joke.  
 3 Q Page 5, number F at the top, do you recall any  
 4 sexually offensive jokes?  
 5 A I don't recall any specifically.  
 6 Q Do you remember some of that nature?  
 7 A We would joke around. I don't remember any  
 8 sexual jokes, but we would joke around about  
 9 any number of things, and I guess there could  
 10 have been a sexual joke of some sort.  
 11 Q But you don't recall any now?  
 12 A No.  
 13 Q What about Lynn Gilman, number G.  
 14 A No.  
 15 Q But you are aware she has a belly ring?  
 16 A I know she did.  
 17 Q How do you know that?  
 18 A I don't know how I know, but I know she had  
 19 one.  
 20 Q Had you seen it?  
 21 A I don't know if I have or not. I think -- I  
 22 don't know. I don't know. I think I did. I  
 23 think she actually bought a piece of jewelry

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1 once and showed it to me, but I don't recall  
 2 when or anything like that.  
 3 Q And H?  
 4 A Yes.  
 5 Q What do you know about that?  
 6 A That was my ex-boyfriend who called the court,  
 7 and I don't know what he said to Michele, but  
 8 that is what was reported or told to me.  
 9 Q And who is that ex-boyfriend?  
 10 A Charles Desroches.  
 11 Q How do you spell that?  
 12 A D-E-S-R-O-C-H-E-S, I think.  
 13 Q Where does he live currently?  
 14 A I have no idea.  
 15 Q Where did he live at the time?  
 16 A Boston. He lived in Boston for a period of  
 17 time and then Littleton.  
 18 Q When Michele commented to you about that, did  
 19 she seem upset?  
 20 A No.  
 21 Q Did you apologize to her?  
 22 A No. I don't remember if I did. I don't know.  
 23 Q Do you know why Charles would think you were

31 (Pages 118 to 121)

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1 at Littleton that day?

2 A It is one of the courts I work at. I don't

3 know.

4 Q I?

5 A I remember something about that.

6 Q What do you recall about it?

7 A That a Lancaster employee got an e-mail that

8 went to -- so Lynn sent it to the Lancaster

9 person by accident, and I remember Michele was

10 upset because the Lancaster person made an

11 issue of it, and she thought that was

12 ridiculous. That's when Michele went and

13 changed her e-mail address to be like, just

14 instead of her first initial and last name,

15 she included her middle initial so that type

16 of thing wouldn't happen again.

17 Q You remember the conversation you had with

18 Michele Walker about this?

19 A No, I don't remember exactly. I just remember

20 kind of the, what I had just said.

21 Q How about J?

22 A I am sure I made phone calls to my boyfriend.

23 I could have gone home, because my home was

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1 very close to the courthouse. I never met my

2 boyfriend at home for lunch or sex, and I

3 don't recall ever having on different clothes

4 when I went back to work.

5 Q So the last comment also you don't recall?

6 A No.

7 Q What about K?

8 A I don't recall ever saying something like

9 that.

10 Q Is it possible you did?

11 A I just don't --

12 MS. DEMPSEY: Object as to form.

13 You can answer.

14 A I don't recall saying it. It is nothing I can

15 picture myself saying, to be honest.

16 Q L?

17 A No.

18 Q And then number 14, starting with A?

19 MS. DEMPSEY: The question is, does

20 she know.

21 Q Does she have any information related to A?

22 A No.

23 Q And B, the question is did anyone report this

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1 to you -- strike that.

2 My question is, did you witness

3 anything in B?

4 MS. DEMPSEY: Is that the same

5 question for A, did she witness anything?

6 Did you witness A?

7 A No.

8 MS. DEMPSEY: Before we can have the

9 answer, we have to understand the question.

10 Q Let me clarify. Did you observe any of this

11 conduct, so A is no, and B is --

12 A No.

13 Q And C is no?

14 A No.

15 Q And D, we have already talked about that

16 comment, correct, the knife comment?

17 A Right, I didn't witness that.

18 Q But that is what Michele reported to you?

19 A Among other things, yes.

20 Q How about E?

21 A I didn't witness it.

22 Q You are still answering, and then I will

23 follow-up.

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1 A Okay.

2 Q But Michele did complain to you about that?

3 A Yes.

4 Q And F, you did witness it?

5 A No.

6 Q Did Michele complain about it?

7 A No.

8 Q And what about G, did you witness it?

9 A No.

10 Q Did Michele complain to you about it?

11 A I don't remember. No. No.

12 Q You don't remember?

13 A I don't remember at this point. In the

14 e-mails you showed me, I don't remember if

15 that was one of the things she complained of.

16 Q H says plaintiff observed other improper

17 activities at work which were contrary to

18 public policies, including but not limited to

19 the following.

20 My question is, did you have any

21 observation about H little i?

22 A I knew --

23 MS. DEMPSEY: The question is did

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1 she observe Towle telling plaintiff?  
 2 Q Yes, did you observe?  
 3 A Yes.  
 4 Q But then Towle told you something similar to  
 5 this?  
 6 A She told me that her son wrote with like  
 7 windshield marker on his dad's windshield or  
 8 tailgate or something like that.  
 9 Q How did that come up between the two of you in  
 10 conversation? Was she bragging about it?  
 11 MS. DEMPSEY: Objection as to form.  
 12 You can answer.  
 13 A I don't remember how it came up in  
 14 conversation.  
 15 Q You didn't take any action against her because  
 16 of that incident?  
 17 A No, I didn't.  
 18 Q Did you think that was something that was  
 19 conduct unbecoming to a judicial person?  
 20 A It was her son, not her.  
 21 Q Are you aware of whether she took her son to  
 22 do that?  
 23 A I don't know that.

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1 Q If she had taken her son in a car for the  
 2 purpose of doing that, would that be conduct  
 3 unbecoming a judicial person?  
 4 MS. DEMPSEY: Objection as to form.  
 5 You can answer.  
 6 A I think it is unbecoming.  
 7 Q And Rule 27, if you want to take a look at  
 8 that, that would be in violation of that rule?  
 9 MS. DEMPSEY: Objection as to form.  
 10 You can answer.  
 11 A In my opinion, let me look at the rule again.  
 12 Q For the record, my question is in your opinion  
 13 would that conduct be in violation of Rule 27?  
 14 MS. DEMPSEY: If the conduct  
 15 happened.  
 16 A I don't know if the personnel rule applies.  
 17 Again, I don't think -- I wouldn't accompany  
 18 my son, so I don't know. I don't think --  
 19 it's not behavior I would encourage my own son  
 20 to do.  
 21 Q Roman numeral little ii, we discussed that  
 22 earlier?  
 23 A Yes.

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1 Q You didn't observe it, correct?  
 2 A I did not observe it.  
 3 Q But it was reported to you by Judge MacLeod?  
 4 A MacLeod.  
 5 Q And what about the next one, little iii?  
 6 A I am not aware of it.  
 7 Q You didn't observe that?  
 8 A I didn't observe it.  
 9 Q If it happened, would that be inappropriate?  
 10 MS. DEMPSEY: Objection as to form.  
 11 You can answer.  
 12 A No, because we review financial stuff  
 13 every day, all of us. So I don't think -- oh,  
 14 for her own dating purposes, I apologize.  
 15 Wait a minute.  
 16 Q Read the rest of the sentence.  
 17 A Yes, that would be inappropriate.  
 18 Q Was that ever reported to you that you recall?  
 19 A No, not that I recall.  
 20 Q Little iv?  
 21 A I remember I was looking for a car, and  
 22 Michele actually brought up, I think her car  
 23 was for sale at whatever the dealership is in

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1 Littleton, and no, I wouldn't be on it most of  
 2 the day. I know I wasn't on the internet most  
 3 of the day. I may have looked at a car  
 4 online.  
 5 Q Okay. Thank you.  
 6 Do you know who Jay Lynn or  
 7 Jacqueline is in the court system?  
 8 A I don't know who Jay Lynn is. The only  
 9 Jacqueline is a former employee in Lebanon.  
 10 There was a Jacqueline there.  
 11 Q Do you know what her last name is?  
 12 A Messier, M-E-S-S-I-E-R.  
 13 Q And what was her position?  
 14 A Court assistant 2.  
 15 Q What is the difference between a court  
 16 assistant 1 and court assistant 2?  
 17 A There are no 1s. You start out as a 2.  
 18 Q You are a 2, and then you are a deputy clerk?  
 19 A You are really a 2 forever.  
 20 Q You still feel like a 2 at times?  
 21 There really was no difference?  
 22 A I don't know. In my experience, I have never  
 23 seen a court assistant 1. I have only seen a

33 (Pages 126 to 129)



MICHELLE BROWN

October 22, 2012

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1           ERRATA SHEET AND CERTIFICATE OF WITNESS

2           In accordance with the rules of procedure  
3 governing depositions, you are entitled to read and  
4 correct your deposition transcript. Please read  
5 your deposition, and on this errata sheet make any  
6 necessary corrections or changes, either in form or  
7 substance. Identify those corrections/changes by  
8 page and line number, stating the change and the  
9 reason. Please do not mark the actual transcript.  
10 (Make extra copies of this sheet if you need to  
11 indicate more changes or corrections than will fit  
12 on this one page.) When completed, date and sign  
13 the errata sheet and have your signature notarized.

14           I, MICHELLE BROWN, do hereby certify that I  
15 have read the foregoing transcript of my testimony,  
16 and further certify that it is a true and accurate  
17 record of my testimony given on October 22, 2012,  
18 (with the exception of the corrections listed  
19 below):

20           PAGE       LINE       CORRECTION AND REASON FOR CORRECTION

21           53        5        My answer was yes it would be inappropriate.

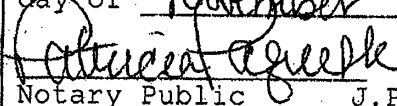
22           \_\_\_\_\_  
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24             
MICHELLE BROWN

25           STATE OF New Hampshire

26           COUNTY OF Belknap

27           Subscribed and sworn to before me this 28th  
28           day of November, 2012.

29             
Notary Public J.P. ✓

30           My commission Expires: 12/5/17

Kelly

Agrees Would be  
Harassment?

Observed

13a

13b

13c

13di

13dii

13e

13f

13g

13h

13i

13j

13k

13l

83-84

yes

14a

14b

14c

14d

14e

14f

14g

14hi

14hii

14hiii

14hiv

83-84

EX 3c

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

\*\*\*\*\*

Estate of Michele M. Walker, Charles E. Walker,  
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of  
the Courts and State of New Hampshire - NH Second  
Circuit Littleton District Division -  
Administrative Office of the Courts

\*\*\*\*\*

DEPOSITION OF EDWIN W. KELLY

This deposition taken by agreement of counsel  
at the Office of the Attorney General, 33 Capitol  
Street, Concord, New Hampshire, on Wednesday,  
November 7, 2012, commencing at 8:52 A.M.

EDWIN W. KELLY

November 7, 2012

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1 to in my decision as being used.  
 2 I think that is probably it.  
 3 Q And why was your report completed in July as  
 4 opposed to May or August?  
 5 MS. DEMPSEY: Objection as the form.  
 6 You can answer.  
 7 A Until Michele's death, she was out on leave,  
 8 and I believe that there was still a plan to  
 9 have another interview with Michele when she  
 10 was able to have that interview, and so, up  
 11 until May when she passed away, we would have  
 12 been waiting for the investigation to conclude  
 13 after that interview. Once she died in May,  
 14 then it was just a question of my being able  
 15 to find the time to go through the thousand  
 16 plus pages of transcript and reach a decision.  
 17 Q Did you write that report yourself?  
 18 A I did.  
 19 Q Both of them?  
 20 A Yes.  
 21 Q Do you recall any other situations in the last  
 22 five years where you have had to move a  
 23 court -- move court clerks staff because of

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1 problems getting along with others in the  
 2 office?  
 3 A None are coming to mind.  
 4 Q Do you recall ever having done that?  
 5 A I can't remember ever moving anybody from one  
 6 court location to another, which is not to say  
 7 it never happened. Just can't think of any at  
 8 the moment.  
 9 Q I am going to ask you to look at the complaint  
 10 which we have marked as Knapp 8 and look at  
 11 paragraph 13, and my question for you is, if  
 12 all of these things had happened, would you be  
 13 of the opinion that the environment would be  
 14 hostile?  
 15 MS. DEMPSEY: Objection as to form.  
 16 You want him to review all of the allegations  
 17 in 13?  
 18 Q Paragraph 13, which goes to the next page,  
 19 too.  
 20 MS. DEMPSEY: If you could indicate  
 21 when you are done reading everything, and then  
 22 we can have the question read back.  
 23 A Okay.

1 (The record was read.)  
 2 A Assuming as well that they were unwelcome and  
 3 offensive to the person making the complaint,  
 4 yes.  
 5 Q And they would constitute sexual harassment in  
 6 that circumstance?  
 7 A Under our policy, I believe so, yes.  
 8 Q Did you have much contact with Michele Walker  
 9 other than -- well, let me ask.  
 10 Did you have much contact with her  
 11 during her employment?  
 12 A No.  
 13 Q Did you ever, I mean, do you occasionally sit  
 14 in the court where she --  
 15 A No, I never did.  
 16 Q You were administrator by then?  
 17 A Yes.  
 18 Q Were you upset that Ms. Walker made her  
 19 initial complaint in August of 2000 -- strike  
 20 that.  
 21 Were you upset that she made the  
 22 complaint of August 13th by e-mail?  
 23 MS. DEMPSEY: Objection as to form.

Page 85

1 You can answer.  
 2 A No, not at all. I was concerned.  
 3 Q I want to ask you if you have seen Kozlowski  
 4 11 before, which is the binder journal of  
 5 Michele's?  
 6 A I believe I have.  
 7 Q Do you recall if you reviewed that before you  
 8 did your report?  
 9 A I don't recall as I am sitting here, but I did  
 10 carefully in the report indicate, I believe,  
 11 everything I did review in the report. So if  
 12 it is not in that opening paragraph, I didn't  
 13 use it in the report.  
 14 Q Kozlowski 12, handwritten notes, the personal  
 15 notes written from July 1st through August 13?  
 16 A I don't have a recollection of having seen  
 17 these.  
 18 Q And if you had, it would be -- and you  
 19 considered it, it would be referenced in your  
 20 report?  
 21 A Yes.  
 22 Q And what we have marked as Kozlowski 13, I  
 23 think this is the -- can you identify if this

22 (Pages 82 to 85)

EDWIN W. KELLY

November 7, 2012

Page 138

1 report about her to the state police?

2 MS. DEMPSEY: Objection as to form.

3 You can answer.

4 A I am concerned that the facts that at that  
5 point I had believed were unfounded were  
6 reported to the state police that it might  
7 have the effect of defaming an employee in the  
8 court.

9 Q Or it could lead to credibility to Michele's  
10 fear, correct?

11 A No. A report to the state police, you mean?

12 Q Right.

13 A No, I don't think that lends credibility to  
14 anybody's fear, necessarily.

15 Q After Michele made the report on November 9th,  
16 2009, were you even more set in your mind that  
17 you wanted to continue on a  
18 disciplinary/termination track?

19 A I think at that point, it was clear to me that  
20 there were a lot of things going on there that  
21 I was not aware of based upon the August 13th  
22 e-mail, and that we needed to get to the  
23 bottom of exactly what it was.

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1 Q Do you recall having any discussions with  
2 anyone after -- other than counsel, after the  
3 November 9th letter about terminating Michele?

4 A Other than -- I don't have any specific  
5 recollection of a conversation with anyone.  
6 However, as these things go, it certainly  
7 would have continued to be on the table absent  
8 further explanation. Not that it was  
9 concluded. Not that that is what we would  
10 have done, but it certainly would have been  
11 something that was on the table.

12 MS. JOHNSON: That is all I have.

13 (TIME NOTED: 12:33 PM)  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

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## ERRATA SHEET AND CERTIFICATE OF WITNESS

1 In accordance with the rules of procedure  
2 governing depositions, you are entitled to read and  
3 correct your deposition transcript. Please read  
4 your deposition, and on this errata sheet make any  
5 necessary corrections or changes, either in form or  
6 substance. Identify those corrections/changes by  
7 page and line number, stating the change and the  
8 reason. Please do not mark the actual transcript.  
9 (Make extra copies of this sheet if you need to  
10 indicate more changes or corrections than will fit  
11 on this one page.) When completed, date and sign  
12 the errata sheet and have your signature notarized.

13 I, EDWIN W. KELLY, do hereby certify that I  
14 have read the foregoing transcript of my testimony,  
15 and further certify that it is a true and accurate  
16 record of my testimony given on November 7, 2012,  
17 (with the exception of the corrections listed  
18 below):

19 PAGE LINE CORRECTION AND REASON FOR CORRECTION

20			
21			
22			
23			

EDWIN W. KELLY

20 STATE OF \_\_\_\_\_  
21 COUNTY OF \_\_\_\_\_  
22 Subscribed and sworn to before me this \_\_\_\_\_  
23 day of \_\_\_\_\_, 2012.

Notary Public \_\_\_\_\_ J.P. \_\_\_\_\_  
My commission Expires: \_\_\_\_\_

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## CERTIFICATE

1 I, Rebecca Lynn Metea, a Licensed Court  
2 Reporter, in and for the State of New Hampshire, do  
3 hereby certify that the foregoing is a true and  
4 accurate transcript of my stenographic notes of the  
5 deposition of EDWIN W. KELLY, who was first duly  
6 sworn, taken at the place and on the date  
7 hereinbefore set forth.

8 I further certify that I am neither counsel  
9 for nor related to or employed by any of the  
10 parties to the action in which this deposition was  
11 taken, and further that I am not a relative or  
12 employee of any attorney or counsel employed in  
13 this case, nor am I financially interested in this  
14 action.  
15  
16  
17  
18  
19

20 Rebecca Lynn Metea  
21 Licensed Court Reporter  
22 Certificate Number 39  
23

Knapp

Knowledge Observed

13a

13b

13c

13di

13dii

13e

147-148

13f

13g

13h

148

148

13i

149

13j

150

13k

150-151

13l

14a

14b

14c

14d

98-103

98-103

14e

14f

14g

14hi

89-96

14hii

65, 66

14hiii

14hiv

153

146-153

EX 3D

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

\*\*\*\*\*

Estate of Michele M. Walker, Charles E. Walker,  
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of  
the Courts and State of New Hampshire - NH Second  
Circuit Littleton District Division -  
Administrative Office of the Courts

\*\*\*\*\*

DEPOSITION OF BRENDA KNAPP

This deposition taken by agreement of counsel  
at the Office of the Attorney General, 33 Capitol  
Street, Concord, New Hampshire, on Friday,  
October 19, 2012, commencing at 9:05 A.M.



1 A There were a lot of complaints. Michele did  
2 not get along with Lisa, and honestly, I don't  
3 know the list. I mean, it would go on and on.

4 Q Do you remember any of the things that Michele  
5 would complain about with respect to Lisa?

6 A Yes. One day, Judge Macleod was there, and  
7 there was discussion about Lisa, her attorney  
8 was there, and she was talking about her  
9 divorce, and I know that was an issue. I  
10 don't know all the details, because I think  
11 that was with Judge Macleod and Michele.

12 Q Were you there at the time of that  
13 conversation?

14 A I was there that day.

15 Q Did you overhear the conversation?

16 A No, I am sorry.

17 Did you ever overhear the  
18 conversation that Lisa had with her counsel?

19 A No, as to what they were saying, I didn't  
20 know. I didn't hear it.

21 Q You saw the conversation occur from a  
22 distance?

23 A I couldn't see them even from my desk. It was



1 just Michele had mentioned that, had said  
2 Judge Macleod -- I don't know if the judge  
3 heard her. Judge Macleod was there that day.  
4 I don't know who heard Lisa, or if it was him  
5 or her or Michele. There was discussion about  
6 her, talking about her divorce while her  
7 counsel was at the window.

8 Q And the discussion was between Judge Macleod  
9 and Michele?

10 A Right. Yes.

11 Q And do you know whether Michele and Judge  
12 Macleod thought that was inappropriate?

13 A Yes.

14 Q Do you know how Michele dealt with it?

15 A I don't.

16 Q What other complaints do you remember that  
17 Michele had about Lisa?

18 A As far as specifics, I don't remember  
19 specifics. I do remember Michele saying she  
20 was bad. She should never have gotten the  
21 job, that kind of thing, but as far as  
22 specifics, I don't recall.

23 Q In this office that is shown in the pictures,

1 A No. I am just trying to think here -- If I go  
2 in. You can see what is entered by the name  
3 of the document into --

4 Q And you don't remember who told you about the  
5 petition dealing with running Tammy off the  
6 road?

7 A No.

8 Q Could it have been Michele?

9 A Yes.

10 Q Did -- you don't remember Michele telling you?

11 A No.

12 Q Do you remember a complaint that Lisa had  
13 taken -- do you remember a complaint that Lisa  
14 had said she took her son to spray paint her  
15 ex's car?

16 A No, not spray paint.

17 Q What was it?

18 A I don't know if he had soap. I just remember  
19 there being conversations about him wanting to  
20 write on his father's car or something. I  
21 don't know if it was soap or what it was. It  
22 wasn't paint. Whatever it was would wash off.

23 I just remember thinking, just

BRENDA KNAPP

October 19, 2012

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1 hearing that. I don't remember that she took  
 2 him either. I know she was -- I think Lisa  
 3 mentioned it.  
 4 Q That she was thinking of doing that?  
 5 MS. DEMPSEY: Objection as to form.  
 6 You can answer.  
 7 A No. I remember the conversation being that  
 8 the father wouldn't acknowledge the kids if  
 9 his girlfriend was with him, and he wanted to  
 10 write -- I don't even know what he was going  
 11 to write on his father's car.  
 12 Q Lisa was thinking about taking him?  
 13 A I don't know if Lisa was going to take him. I  
 14 don't know if she picked him up. I don't  
 15 remember that part.  
 16 Q Do you remember Michele telling you about  
 17 that?  
 18 A I thought there was a little discussion in the  
 19 office. I don't know if Lisa was telling us  
 20 something about it or Michele -- I remembered  
 21 the incident being discussed.  
 22 Q Do you remember Michele talking about it being  
 23 inappropriate?

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1 A Oh, yes.  
 2 Q Did she talk about that in front of Lisa or  
 3 just to you?  
 4 A I don't remember.  
 5 Q And did you agree that it was inappropriate if  
 6 Lisa were to do that with her son?  
 7 A Yes.  
 8 Q It wouldn't reflect good on the court, would  
 9 it?  
 10 MS. DEMPSEY: Objection as to form.  
 11 You can answer.  
 12 A Correct.  
 13 Q Did Michele seem to be upset about Lisa  
 14 mentioning this activity?  
 15 A My recollection was maybe some discussion. I  
 16 don't remember it --  
 17 Q Do you remember if Michele reported that to  
 18 Ms. Brown?  
 19 A I have no idea.  
 20 Q Do you remember what time period that was?  
 21 A I don't --  
 22 Q The question is, do you remember what time  
 23 period?

Page 92

1 A I think it was when he was seeing Tracy Ash,  
 2 because I think that was the girlfriend, but I  
 3 am not 100 percent sure.  
 4 Q Yes, I don't know what time period that is.  
 5 How long would you say that Michele left work  
 6 that that was an occurrence?  
 7 A I don't know.  
 8 Q Do you remember when Lisa started?  
 9 A I don't. The year?  
 10 Q I know --  
 11 A Let's see, I don't know the year. It was Lynn  
 12 Pucillo, and then -- I think we had floaters  
 13 for a little while.  
 14 Q Lynn who?  
 15 A Pucillo. She was there when I went there,  
 16 family division.  
 17 Q How do you spell that?  
 18 A P-U-C-I-L-L-O.  
 19 Q She was in family division when you got there?  
 20 A Yes, and then she left, and it was, I think  
 21 Linda Gray covered for a while. It seems like  
 22 somebody else was in there covering, too, but  
 23 I can't remember who, and then they hired

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1 Audrey Thoreau, and I think Lisa was after  
 2 Audrey. This is my best recollection.  
 3 Q I know it has been awhile, so I am not going  
 4 to hold you to the exact chronology.  
 5 How long would you say Lisa worked  
 6 there while Michele worked there?  
 7 A I don't know. I don't know how long Lisa  
 8 was -- when she started, specifically.  
 9 Q Would you say it was at least year, year and a  
 10 half?  
 11 A You know, I don't know. I would have to have  
 12 all the stuff in front of me and research it.  
 13 Q That is okay. Thanks.  
 14 Did Michele seem concerned about the  
 15 allegations against Lisa, the stalking  
 16 petitions, the running the car off the road,  
 17 the going to spray paint -- not spray paint,  
 18 going to do something to somebody's car?  
 19 A Yes.  
 20 Q Did she tell you that?  
 21 A Yes, she didn't -- she was not liking it, and  
 22 it shouldn't be happening.  
 23 Q Did she seem -- did she tell you she thought

24 (Pages 90 to 93)

1 Lisa was unstable or untrustworthy, or what  
 2 did she tell you about Lisa?  
 3 A Honestly, the list, I don't know specifics. I  
 4 mean it was just a general, Lisa shouldn't  
 5 have the job. Somebody else should have the  
 6 job. She is not good enough for it.  
 7 Whatever. Specific words, I don't know, it  
 8 was just a given.  
 9 Q Just taking the incident with yelling at her  
 10 daughter, Lisa yelling at her daughter off the  
 11 fire escape, and the son, with whatever was  
 12 going on with the car, in your opinion, did  
 13 that make Lisa someone who was not really a  
 14 desirable court clerk?  
 15 MS. DEMPSEY: Objection to form.  
 16 You can answer.  
 17 A First of all, assuming that that is the whole  
 18 story and those are true, of course not. You  
 19 don't behave that way, but again, the daughter  
 20 thing on the fire escape, I don't remember if  
 21 the answer to that was that they weren't  
 22 arguing, they were trying to talk over the  
 23 noise to see what the girl wanted or was

1 about Lisa taking her son to do something to  
 2 her ex's car, would you still think that is  
 3 inappropriate?  
 4 A Absolutely.  
 5 MS. DEMPSEY: Wait for the question.  
 6 Q I know. Let me ask it again.  
 7 If only the incident was true about  
 8 Lisa taking her son to do something to her  
 9 ex's car, would you think that that would  
 10 reflect badly on her as a court employee?  
 11 MS. DEMPSEY: Objection to form.  
 12 You can answer.  
 13 A Yes.  
 14 Q And Lisa herself talked about doing something  
 15 with her ex's car and her son, correct?  
 16 A There was an incident, and again, I don't know  
 17 if she took the boy, if she picked the boy up  
 18 or whatever. I don't recall the details, but  
 19 there was something about that, yes.  
 20 Q Do you think that incident could be deemed to  
 21 be something that shows that Lisa is not  
 22 stable?  
 23 MS. DEMPSEY: Objection to form.

1 asking for, or something like that. I don't  
 2 recall the whole story, but to answer that  
 3 question, you know, it would be assuming  
 4 everything was true.  
 5 Q Okay. Do you think you heard that excuse, it  
 6 was noisy, from Lisa?  
 7 A I don't know if it was Lisa talking to Michele  
 8 even about it, because I think Michele may  
 9 have said something to her. I am not sure at  
 10 the time when she came back in or something.  
 11 Honestly, I don't remember.  
 12 Q Don't you think if it was noisy on the fire  
 13 escape, that they would talk inside?  
 14 MS. DEMPSEY: Objection to form.  
 15 You can answer.  
 16 A The daughter wasn't in the building.  
 17 Q So the daughter was not on the fire escape?  
 18 A My understanding, and again, I wasn't there.  
 19 I didn't see it. I thought the daughter, from  
 20 what I had heard from them, was down on the  
 21 ground level.  
 22 Q Okay. That makes a little more sense.  
 23 So if only the incident was accurate

1 You can answer.  
 2 A Well, I would not think that anyone would do  
 3 that. I mean, I don't know what else to say.  
 4 I mean, that is just not acceptable. You  
 5 don't do that.  
 6 Q I am going to forget her last name.  
 7 Were you at Martha's birthday party  
 8 in 2009?  
 9 A Yes.  
 10 Q What is her last name?  
 11 A Kennett.  
 12 Q K-E-N-N-E-T?  
 13 A -- T.  
 14 Q You were at her birthday party?  
 15 A Yes.  
 16 Q How many people were there?  
 17 A Whoever was there that day. Probably it was a  
 18 court day. Martha was there. I imagine the  
 19 judge, Martha, myself, Michele, Lisa. I know  
 20 Stan was there, and that must have been  
 21 Chuck's time, too, I am guessing.  
 22 Q I don't want you to guess.  
 23 A I don't remember.

BRENDA KNAPP

October 19, 2012

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Page 100

1 Q You remember Stan though?  
 2 A I believe Stan was there.  
 3 Q And we are looking at Exhibit 3, where would  
 4 that --  
 5 A Right in chambers. We always put the cakes on  
 6 the chamber table.  
 7 Q Did you have a kitchen area or anything?  
 8 A No. We got a little microwave on a little  
 9 stand here, and we used the water in the  
 10 bathroom here, and --  
 11 Q Okay. And what do you remember about Martha's  
 12 party that year?  
 13 A She turned 50. There was black.  
 14 Q There was black, okay, black streamers?  
 15 A Yes, and I remember the whole story about the  
 16 knives. And I can't remember if it was  
 17 Michele that brought it up or Lisa, but Lisa  
 18 said something about knives, and I am not even  
 19 remembering how it was phrased, but she had  
 20 said something about her ex-husband, and I  
 21 don't know if it was because the child support  
 22 was late again, or what was going on, but then  
 23 she made an off-the-cuff comment about a

Page 99

1 knife, like as a joke, in the room, and I  
 2 think Michele took it to mean Michele, but I  
 3 am not --  
 4 Q What do you remember Lisa saying?  
 5 A You know, I don't even remember. I know she  
 6 said something about a knife. How she worded  
 7 it, and what her intent was, it was something  
 8 about -- I don't know. I could use a knife.  
 9 I don't remember how it was worded.  
 10 Q Do you remember something about maybe -- I am  
 11 going to ask if this is accurate because this  
 12 is what I have learned in this case is the  
 13 allegation is that Lisa said she had plenty of  
 14 knives -- Stan asked if anyone had a knife,  
 15 and Lisa said something to the effect, I have  
 16 plenty of knives at home with names on them,  
 17 something in that regard.  
 18 A I don't know.  
 19 Q Can you tell me looking at the judge's  
 20 chambers, and we will both look at it, so the  
 21 bottom where the sticker is, looking at the  
 22 judge's chambers, can you -- I will have you  
 23 draw again, draw where the table -- where the

1 judge's desk and the table is, and where  
 2 people were standing at the time of the  
 3 comment, if you remember?  
 4 A (Witness complied.)  
 5 Q So the file cabinets -- I am confused where  
 6 those are?  
 7 A As you walk into chambers.  
 8 Q From the district division?  
 9 A Right. The judge's desk is over by the  
 10 windows. The chamber table kind of hooks onto  
 11 his desk and goes directly across the room,  
 12 big table. The little table that we have that  
 13 holds up the microwave and coffee cups and all  
 14 of that is right here next to the door that  
 15 goes into the courtroom, and then on the other  
 16 side of the table are two file cabinets.  
 17 Q Before you get done with that, do you know if  
 18 the knife comment was made where people were?  
 19 A I don't. Everybody was just around the table,  
 20 waiting for cake.  
 21 Q You said you remember -- well, you believe  
 22 Michele thought the comment was about her.  
 23 What makes you say that?

Page 101

1 A I don't remember if Michele said something or  
 2 Lisa said something or even when it was or if  
 3 it was from this investigation, but that is my  
 4 recollection.  
 5 Q Is that Michele thought it was about her?  
 6 A Right.  
 7 Q And you don't remember if Michele talked to  
 8 you about that or if you just learned it in  
 9 the investigation?  
 10 A Right. It has been very difficult trying to  
 11 remember separate what was then and what you  
 12 have learned.  
 13 Q Do you remember talking to the investigator  
 14 about the knife incident?  
 15 A No.  
 16 Q Let me clarify that. Were you -- do you  
 17 remember being interviewed by Paula Hurley  
 18 about the knife incident?  
 19 A Paula did call and ask questions, and was that  
 20 a specific question, I don't remember.  
 21 Q But if she asked you about it, you would have  
 22 told her, about the knife comment?  
 23 A Yes.

26 (Pages 98 to 101)



BRENDA KNAPP

October 19, 2012

Page 102

1 Q Do you remember being asked about it with  
2 Christine Howe during that investigation?  
3 A Yes.  
4 Q And do you remember saying -- do you remember  
5 saying the same thing you said today?  
6 A I don't remember. I would have to look again.  
7 Q And do you remember anyone else, other than  
8 Paula Hurley or Christine Howe and myself and  
9 maybe counsel, asking you about the knife  
10 incident?  
11 A I don't know. I don't know if Michele ever  
12 did or Lisa, I don't know.  
13 Q Do you remember approximately when that was  
14 that this knife incident occurred?  
15 A Let's see, it was a July date because it is  
16 Martha's birthday.  
17 Q I will tell you Michele filed her first  
18 complaint August 13th?  
19 A All right. It must have been July just before  
20 then.  
21 Q So it would be probably towards the end of  
22 July, Martha's birthday?  
23 A I think Martha is a Cancer. That would put

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1 her towards the front.  
2 Q I have no idea. I know when Taurus is and  
3 Pisces.  
4 A That is my recollection.  
5 Q Can't help you on that one.  
6 Whenever Martha's birthday is, that  
7 was the knife incident?  
8 A At least her celebration, if she was at the  
9 court on her birthday.  
10 Q After that knife incident, did you notice  
11 anything different about Michele?  
12 A No.  
13 Q Do you recall Michele ever telling you she was  
14 afraid of Lisa?  
15 A No.  
16 Q You don't recall though all the complaints  
17 that Michele had about Lisa?  
18 A Like I said, it was ongoing. It was just a  
19 way of life.  
20 Q You worked with Michele since 2000?  
21 A Uh-huh.  
22 Q Yes?  
23 A Yes.

Page 104

1 Q Had she ever had voluminous complaints about  
2 any other employee?  
3 A Yes, a lot of it was the family division.  
4 Q Well, when Michele started there, they had a  
5 family division, right?  
6 A Right.  
7 Q It wasn't something that was new and imposed  
8 on her, as far as you know?  
9 A No, wait, when Michele started there, it was  
10 just district court. While she was there, I  
11 am pretty sure, it was while she was there  
12 that me moved family court in.  
13 Q That is when she moved file cabinets and  
14 decorated?  
15 A No, that is when the pilot program started  
16 with family division. The whole remodeling,  
17 this whole thing, was later. Family division  
18 had been in with district court for many  
19 years.  
20 Q Okay. So when Michele started, family  
21 division was in with district court? It  
22 wasn't like there was no family division?  
23 A I think when she started at the court, I think

Page 105

1 that there was no family division. I think  
2 everything was still in superior court,  
3 because I remember her telling me about some  
4 of the file cabinets that family was using  
5 were actually the district ones, but they had  
6 been given to family when they were moved in  
7 to begin their pilot program.  
8 Q What other employee did Michele ever have a  
9 lot of complaints about?  
10 A Like I say, it was -- trying to move family in  
11 and squeeze everybody in was tight, so you  
12 know there were -- if they weren't as busy as  
13 we were, and you know, could they do some of  
14 our work, too. There were always these little  
15 things going on between the divisions.  
16 Q But that is different than having a complaint  
17 up against one specific individual on a  
18 routine basis, right? As I understand it, you  
19 are saying Michele had some complaints about  
20 meshing the two and dividing the two?  
21 A Right.  
22 Q But was there any particular employee other  
23 than Lisa Towle that she routinely complained

27 (Pages 102 to 105)

1       should say, and ask you if -- well, have you  
2       ever seen the complaint before, and I am going  
3       to have one marked as Exhibit 8.

4                       (Whereupon, the court reporter  
5       marked Exhibit Number 8, Complaint, for  
6       Identification.)

7 Q     Let me switch documents with you since she has  
8       marked mine. My question is, have you ever  
9       seen this before?

10 A    It looks like the same thing.

11 Q    The same thing as what?

12 A    That I have seen.

13 Q    That you have seen since your interviews, not  
14       at your interviews, right? This is dated  
15       August 2011?

16 A    Yes.

17 Q    I would like you to turn to page 4.

18                       I would like you to start from  
19       paragraph 13 and just read through there and  
20       tell me as you go through each numbered letter  
21       whether you know anything about what is listed  
22       in that letter or number. So for example, if  
23       you read 13 and there is nothing there --

1 MS. DEMPSEY: 13 up to A?  
 2 MS. JOHNSON: I am asking her to  
 3 read, starting at number 13 and read through  
 4 and tell me when she gets to any part that she  
 5 has any factual information about.  
 6 MS. DEMPSEY: Objection as to form.  
 7 Q We can start with 13A?  
 8 A It is absolutely not.  
 9 Q I can ask each one, individually, but I would  
 10 ask if you read the next one to yourself and  
 11 read through it and tell me if any of those  
 12 things you have any information about  
 13 happening?  
 14 A Okay. B, absolutely not. C, absolutely not.  
 15 D, no. No. E, no. F, I am reading that as  
 16 if I thought she was ever offended? I would  
 17 say, no.  
 18 Q I am asking whether there were any sexually  
 19 offensive jokes.  
 20 A Offensive. There has been banter, but I don't  
 21 recall anyone thinking that it was  
 22 over-the-top type of offensive. I think it is  
 23 important that that be understood.

1 was there that day.  
 2 Q Do you think it was her that made the comment?  
 3 A Could have been.  
 4 Q Where does she work now?  
 5 A Laconia, I think, yes. She is the clerk.  
 6 Q Do you remember any other comments that  
 7 Ms. Brown made about the judge?  
 8 A No. I mean specifically, no.  
 9 Q G.  
 10 A No.  
 11 Q H?  
 12 A Yes, I remember that phone call came in.  
 13 Q And tell me about that.  
 14 A Michele Walker answered the phone that day,  
 15 and this is what she told me he said, and that  
 16 he hung up.  
 17 Q You observed her answer the phone?  
 18 A Yes.  
 19 Q And did she seem offended to you?  
 20 A She didn't like it. She thought it was --  
 21 Q She thought it was what?  
 22 A Inappropriate.  
 23 Q Do you know if she reported that to Michelle

1 Q What kinds of banter do you recall?  
 2 A Specifics? You know, I don't know the  
 3 specific things. I mean it was just -- every  
 4 once in a while, as a joke or an e-mail or  
 5 something, that is not gross, but I mean, was  
 6 there sexual comments made occasionally, yes.  
 7 I don't recall specifics.  
 8 Q Do you remember ever being offended by any  
 9 sexual comments at work?  
 10 A There really weren't -- No, I don't.  
 11 Q Let me back you up to E for a minute. I think  
 12 you took a second, a couple seconds to think  
 13 about that.  
 14 Do you remember Michelle Brown  
 15 talking about a judge in that manner at all?  
 16 MS. DEMPSEY: Objection to form.  
 17 You can answer.  
 18 A Well, I remember the day that there was  
 19 discussion about Judge Macleod's underwear.  
 20 Q Do you remember when that was?  
 21 A No.  
 22 Q Do you remember who said what?  
 23 A Specifically, no, but I know Michelle Brown

1 Brown?  
 2 A I think she might have.  
 3 Q Was Lisa Towle in the office that day?  
 4 A No. My recollection it was just Michele  
 5 Walker and I, and that was why she answered  
 6 the phone.  
 7 Q Okay. And I?  
 8 A I remember there was an e-mail that Lynn sent  
 9 that went to Madeline Walker.  
 10 Q And do you remember what was in the e-mail?  
 11 A I don't. I know that it was offensive to her,  
 12 but I don't remember what it was.  
 13 Q Do you remember if you were offended by it?  
 14 A I don't even remember the e-mail to be honest  
 15 with you.  
 16 Q Do you remember if Michele reported to you she  
 17 was offended by it?  
 18 A Michele was not happy that Madeline Walker had  
 19 gotten it.  
 20 Q And Madeline called Michele upset that she had  
 21 gotten it, right?  
 22 A Called or e-mailed or something, yes. There  
 23 was some kind of response from Madeline



BRENDA KNAPP

October 19, 2012

Page 150

1 Walker.  
 2 Q And that was at some point when -- the e-mail  
 3 address got messed up with the same initials?  
 4 A Right.  
 5 Q And J.  
 6 A I remember there being discussion that Michele  
 7 Walker -- I know Brown did go out to lunch  
 8 with her boyfriend, I believe, and I think she  
 9 did have a different shirt on when she came  
 10 back, but I don't know her and Michele  
 11 Walker's discussion on it.  
 12 Q You weren't privy to that?  
 13 A I don't recall, no.  
 14 Q Do you remember --  
 15 A I know she did go to lunch with him, but I  
 16 don't --  
 17 Q This says in the beginning of 2009, does that  
 18 sound correct to you or not?  
 19 A I don't know.  
 20 Q K?  
 21 A Yes.  
 22 Q You remember that happening?  
 23 A I think so, yes.

Page 151

1 Q So do you remember who was apparently --  
 2 Michelle Brown made the comment. Michele  
 3 Walker was there. You were there. Was Lisa  
 4 there?  
 5 A I have no idea.  
 6 Q L?  
 7 A I don't recall that.  
 8 Q Do you remember Michele telling you about it?  
 9 A Michele wouldn't, no, we didn't talk about  
 10 Chuck.  
 11 Q So it was off limits, right?  
 12 A Right.  
 13 Q And then 14A?  
 14 A No.  
 15 Q You have no personal knowledge of that?  
 16 A I cannot imagine it. I don't know that  
 17 anybody would have dared to do it.  
 18 Q B?  
 19 A No. That didn't happen.  
 20 Q You weren't always there, right?  
 21 A Right.  
 22 Q And C?  
 23 A No.

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1 Q And do you have any information about D? We  
 2 already discussed that. Anything else you  
 3 have thought about that incident?  
 4 A No.  
 5 Q E?  
 6 A I don't think that happened. I don't recall  
 7 that at all.  
 8 Q Okay. We should be able to get your time  
 9 cards for that day and see if you were even  
 10 there, right?  
 11 A You can check it, yes.  
 12 Q F.  
 13 A I don't believe that happened, no.  
 14 Q That's not something that Lisa would say in  
 15 front of you anyway, right?  
 16 A I never heard anything like that.  
 17 Q G.  
 18 A No, I don't believe it.  
 19 Q H, and I will say H little i, and that is what  
 20 we talked about before?  
 21 A Right.  
 22 Q Do you know if Michele reported that to Judge  
 23 Cyr and Ms. Brown?

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1 A I have no idea.  
 2 Q ii?  
 3 A We have talked about that as well.  
 4 Q Okay. And iii?  
 5 A Not to my knowledge at all.  
 6 Q That would be inappropriate, right?  
 7 MS. DEMPSEY: Objection to form.  
 8 You can answer.  
 9 A Yes.  
 10 Q I will ask it again, would iii be appropriate?  
 11 A No.  
 12 Q And number 4?  
 13 A I don't know. I remember her looking up cars  
 14 on the internet one day, but I don't know how  
 15 long it was.  
 16 Q How often was Ms. Brown at the courthouse  
 17 where you work?  
 18 A I don't know what her schedule was. I mean,  
 19 it seemed -- before she was the supervisor for  
 20 Lisa, she was a worker. She was Lisa. She  
 21 came in a few times.  
 22 I don't know what her schedule was?  
 23 Q You said she was Lisa before?

39 (Pages 150 to 153)

BRENDA KNAPP

October 19, 2012

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## ERRATA SHEET AND CERTIFICATE OF WITNESS

In accordance with the rules of procedure governing depositions, you are entitled to read and correct your deposition transcript. Please read your deposition, and on this errata sheet make any necessary corrections or changes, either in form or substance. Identify those corrections/changes by page and line number, stating the change and the reason. Please do not mark the actual transcript. (Make extra copies of this sheet if you need to indicate more changes or corrections than will fit on this one page.) When completed, date and sign the errata sheet and have your signature notarized.

I, BRENDA KNAPP, do hereby certify that I have read the foregoing transcript of my testimony, and further certify that it is a true and accurate record of my testimony given on October 19, 2012, (with the exception of the corrections listed below):

PAGE	LINE	CORRECTION AND REASON FOR CORRECTION
7	13	"you" - you meaning Mary Ann Dempsey
8	7	"Northrop's" market
8	7	"town" meaning "Usbon"
8	14	"He" should be Karl Bruckner
8	21	"Gruber" should be "Bruckner"
50	14	"out of jail" should be "an arraignment"
101	11	"remember separate" should be "remember and separate"

Brenda X Knapp  
BRENDA KNAPP

STATE OF New HampshireCOUNTY OF GraftonSubscribed and sworn to before me this 3rd  
day of December, 2012.William P.  
Notary Public J.P. ✓My commission Expires: 11/16/16

Kozlowski	Agrees Would be Harassment?	Observed
Vol. II		

13a	Y	
-----	---	--

13b	Y	
-----	---	--

13c	Y	
-----	---	--

13d i	Neither Y or N	
-------	----------------	--

13d ii	Y	
--------	---	--

13e	Y	
-----	---	--

13f	Y	
-----	---	--

13g	Y	
-----	---	--

13h	Neither Y or N	
-----	----------------	--

13i	Y	
-----	---	--

13j	Neither Y or N	
-----	----------------	--

13k	Y	
-----	---	--

13l	Y	
-----	---	--

14a	Y	
-----	---	--

14b	Y	
-----	---	--

14c	Neither Y or N	
-----	----------------	--

14d	Y	
-----	---	--

14e	Y	
-----	---	--

14f	Y	
-----	---	--

14g	Y	
-----	---	--

14h i	Y	
-------	---	--

14h ii	Y	
--------	---	--

14h iii	Y	
---------	---	--

14h iv	Y	
--------	---	--

104-111

EX 3E

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

\*\*\*\*\*

Estate of Michele M. Walker, Charles E. Walker,  
Administrator

VS

NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of  
the Courts and State of New Hampshire - NH Second  
Circuit Littleton District Division -  
Administrative Office of the Courts

\*\*\*\*\*

DEPOSITION OF PAMELA KOZLOWSKI

VOLUME II

This deposition taken by agreement of counsel  
at the Office of the Attorney General, 33 Capitol  
Street, Concord, New Hampshire, on Friday,  
October 26, 2012, commencing at 1:53 P.M.

PAMELA KOZLOWSKI

October 26, 2012

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1 Q The November -- the sexual harassment?  
 2 A Exactly, that is the first that clued me in to  
 3 what Michele Walker was alleging.  
 4 Q And do you know who Jacqueline is in the court  
 5 system?  
 6 A There was a Jacqueline who worked in the  
 7 Lebanon Family Division, but I see no  
 8 connection to those women that Michele Walker  
 9 has alleged were doing that behavior.  
 10 Q And what is Jacqueline's last name?  
 11 A Oh, boy.  
 12 Q Is it Messier, maybe?  
 13 A Yes.  
 14 Q And does she still work for the court?  
 15 A No. She left to work for the Vermont court  
 16 system, and I am not sure if she is still  
 17 there.  
 18 Q Do you know where she lives?  
 19 A I think she lived in Vermont, not exactly --  
 20 in the White River area, but Jacqueline  
 21 Messier was not friendly with those women.  
 22 Q How do you know that?  
 23 A Just from -- because I worked in the Lebanon

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1 office. Jacqueline Messier was very much to  
 2 herself. She was not social with -- you could  
 3 tell by her demeanor. She was very  
 4 introspective or to herself.  
 5 Q Are you aware -- have you seen Michele's --  
 6 any information in this case about Michele  
 7 alleging that she was told by Lynn Gilman that  
 8 Lynn, Michelle Brown, would have parties with  
 9 Jacqueline?  
 10 A Only --  
 11 MS. DEMPSEY: Objection as to form.  
 12 You can answer.  
 13 A Only what I have read that you have shown me.  
 14 Q So you didn't, you weren't aware at the time  
 15 of that, of that stuff going on?  
 16 A Absolutely not.  
 17 Q If that was going on, if employees were having  
 18 sex together, would that be against policy?  
 19 MS. DEMPSEY: Objection as to form.  
 20 You can answer.  
 21 A I think what they do outside of work is one  
 22 thing, but if they were bringing that stuff to  
 23 work, that would be a violation of policy.

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1 Q You mean talking about it?  
 2 A Yes.  
 3 Q Inviting other people to join in?  
 4 A Absolutely.  
 5 Q I am going to show you what we marked as Knapp  
 6 8, which is the complaint in this matter. We  
 7 didn't look at this last time, did we? Did  
 8 you look at the written complaint?  
 9 A I have seen it. I don't think we went through  
 10 it last time.  
 11 Q Let me have you look at paragraphs 13 and 14,  
 12 and we will go through it. Let me ask you --  
 13 A 13 and 14?  
 14 Q Paragraphs 13 and 14. Paragraph 13, number A,  
 15 and I will ask you the same question about  
 16 each one of these, if that occurred in the  
 17 workplace, would that be in violation of the  
 18 sexual harassment policy?  
 19 MS. DEMPSEY: Objection as to form.  
 20 You can answer.  
 21 A If it occurred?  
 22 Q Yes.  
 23 A Yes.

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1 Q And what about B?  
 2 MS. DEMPSEY: Same objection.  
 3 A Yes.  
 4 Q What about C?  
 5 MS. DEMPSEY: Same objection.  
 6 A Yes.  
 7 Q My question for D is, would comment Number 1  
 8 be appropriate or inappropriate in the  
 9 workplace?  
 10 MS. DEMPSEY: Objection as to form.  
 11 You can answer.  
 12 MS. JOHNSON: I am going to take  
 13 exception to the objection as to form. I  
 14 mean, coaching --  
 15 MS. DEMPSEY: There is no coaching  
 16 going on. I am happy to state the objection  
 17 in greater detail.  
 18 My objection to the question is it  
 19 appropriate or inappropriate, that is a vague  
 20 term, and I object to the form of the  
 21 question.  
 22 Q What is your understanding of the word  
 23 "inappropriate"?

27 (Pages 102 to 105)

PAMELA KOZLOWSKI October 26, 2012

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Page 108

1 A Not acceptable, distasteful.  
 2 Q Let's go back to A, that that would not be  
 3 acceptable to occur in the workplace?  
 4 A Yes.  
 5 Q And B, would that be acceptable or not  
 6 acceptable?  
 7 A Not acceptable.  
 8 Q What about C?  
 9 A Not acceptable.  
 10 Q How about D1?  
 11 A That would have to be taken in context. I  
 12 can't outright say it is unacceptable.  
 13 Q What about 2?  
 14 A That would be unacceptable.  
 15 Q What about E, and I will give you a moment to  
 16 read it.  
 17 A That would be unacceptable.  
 18 Q What about F.  
 19 A Unacceptable.  
 20 Q What about G.  
 21 A Unacceptable.  
 22 Q What about H?  
 23 A That's a difficult one because it wasn't

1 A Unacceptable.  
 2 Q How about L?  
 3 A Unacceptable.  
 4 Q What about -- so now 14 talks about  
 5 retaliation in a hostile environment, and A,  
 6 would that be acceptable or unacceptable?  
 7 A Assuming this was all true?  
 8 Q If it occurred in the workplace, would it be  
 9 acceptable or unacceptable?  
 10 A Unacceptable.  
 11 Q B?  
 12 A Unacceptable.  
 13 Q C?  
 14 A A little more context on that one, too, I  
 15 think.  
 16 Q D?  
 17 A Unacceptable.  
 18 Q E?  
 19 A Unacceptable.  
 20 Q F.  
 21 A Unacceptable.  
 22 Q G.  
 23 A Unacceptable.

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Page 109

1 coming -- it wasn't between a co-worker and a  
 2 co-worker. I am not sure how much control we  
 3 have over picking up a phone and having that  
 4 happen. So I can't say with certainty on that  
 5 one.  
 6 Q I, unacceptable or acceptable?  
 7 A Unacceptable.  
 8 Q Do you know whether the other M. Walker, do  
 9 you know about her filing a complaint about  
 10 that e-mail?  
 11 A I do not.  
 12 Q Do you remember the e-mail?  
 13 A I do not.  
 14 MS. JOHNSON: I am going to ask for  
 15 a copy of the e-mail from your counselor. I  
 16 don't believe I have seen it. If I have, I  
 17 apologize.  
 18 Q What about J?  
 19 A There is -- someone is making the judgment  
 20 call that it is insinuating sex. That one  
 21 should be looked into with some context as  
 22 well.  
 23 Q K?

1 Q H, I guess i, and what I am asking, is it  
 2 appropriate to even talk about that in the  
 3 workplace?  
 4 MS. DEMPSEY: Objection as to form.  
 5 You can answer.  
 6 A Unacceptable.  
 7 Q In fact, if that event occurred, it would  
 8 cause you more concerns about Ms. Towle, is  
 9 that correct?  
 10 MS. DEMPSEY: Objection as to form.  
 11 You can answer.  
 12 A Yes.  
 13 Q Do you understand what is described there to  
 14 be a criminal act?  
 15 A Potentially a criminal act.  
 16 Q Criminal mischief for one, correct?  
 17 A Possibly, yes.  
 18 Q ii?  
 19 A Unacceptable.  
 20 Q iii?  
 21 A If we knew they were doing it for sure for  
 22 dating purposes, unacceptable.  
 23 Q And they would potentially be fired, correct?

28 (Pages 106 to 109)



PAMELA KOZLOWSKI October 26, 2012

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1 MS. DEMPSEY: Objection as to form.  
2 You can answer.

3 A I am not sure about fired, but certainly,  
4 disciplined would be involved at some level.

5 Q So that is not something you can definitely  
6 say you would fire someone for using personal  
7 sealed financial records for dating purposes?

8 A Correct, I am not sure. I mean, it could. It  
9 seems to me it would definitely warrant some  
10 form of disciplinary action.

11 Q In your experience in the court when someone  
12 has broken a rule, is there a standard policy  
13 of giving verbal warning, written warning?

14 How does that progress?

15 A Our personnel rules spell that out, and so  
16 does the SEA union contract for employees.

17 Q Depending which type of employee you are?

18 A Exactly. Much of it is the same in both, but  
19 there is a progression. It is a progressive  
20 discipline.

21 Q So someone has a chance to fix their errors?

22 A Of course, everything is taken on a case by  
23 case -- if something were so egregious, I am

1 You can answer.

2 A Yes.

3 Q You are aware that one of the allegations we  
4 just went over is that Michele -- that  
5 co-workers invited her to join in a lesbian  
6 sexual relationship?

7 A Yes, that is one of the ones we just read.

8 Q And we agreed that that was inappropriate, if  
9 it occurred?

10 A Yes.

11 Q And when you were interviewed by Ms. Howe --  
12 talked to, however we want to say it, did she  
13 raise her voice to you?

14 A Ms. Howe?

15 Q Ms. Howe?

16 A No, not that I recall.

17 Q Was she pleasant to you?

18 A I recall it being a pleasant interview,  
19 conversation, yes.

20 Q Did you understand whether she was an  
21 independent investigator?

22 A I think I understood her role as being engaged  
23 by the administrative office of the courts for

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1 sure someone would be fired, but otherwise, it  
2 would be a progressive disciplinary process.

3 Q And iv?

4 A If that's true, that would not be acceptable.

5 Q Done with the complaint. Thank you.

6 Assuming what happened in 13 and 14  
7 that we have talked about, happened, and you  
8 were the person exposed to that conduct, would  
9 you feel that you were in a hostile  
10 environment?

11 MS. DEMPSEY: Objection as to form.  
12 You can answer.

13 A Can you show me 13 and 14 again?

14 Q It is the whole list of things?

15 A That we just went through?

16 Q Yes.

17 A Assuming that were true, and I was on the  
18 receiving end of it?

19 Q Right.

20 A Yes.

21 Q And would you feel that it was a hostile  
22 environment that included sexual harassment?

23 MS. DEMPSEY: Objection as to form.

1 the purpose of an investigation, and I -- she  
2 told me she worked for the State of Vermont,  
3 but I understood the context in which she was  
4 looking into this matter.

5 Q That the state -- the court system had hired  
6 her to interview people and do an  
7 investigation?

8 A Yes, and somehow retained her and engaged her  
9 services for the purpose of an internal  
10 investigation.

11 Q Did you ever review the reports of either the  
12 Hurley investigation or the Howe investigation  
13 that was done by Judge Kelly?

14 A I have not seen them.

15 Q Are you aware of Michele Walker's efforts to  
16 return to work?

17 A I am not.

18 Q Were you ever approached by Judge Kelly about  
19 whether Michele should be allowed to return to  
20 work at any time?

21 A No.

22 Q Is that something that if he was thinking  
23 about, or making a decision on, you think he

PAMELA KOZLOWSKI

October 26, 2012

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(TIME NOTED: 05:47 PM)

## ERRATA SHEET AND CERTIFICATE OF WITNESS

In accordance with the rules of procedure governing depositions, you are entitled to read and correct your deposition transcript. Please read your deposition, and on this errata sheet make any necessary corrections or changes, either in form or substance. Identify those corrections/changes by page and line number, stating the change and the reason. Please do not mark the actual transcript. (Make extra copies of this sheet if you need to indicate more changes or corrections than will fit on this one page.) When completed, date and sign the errata sheet and have your signature notarized.

I, PAMELA KOZLOWSKI, do hereby certify that I have read the foregoing transcript of my testimony, and further certify that it is a true and accurate record of my testimony given on October 26, 2012, (with the exception of the corrections listed below):

PAGE	LINE	CORRECTION AND REASON FOR CORRECTION

*Pamela Kozlowski*  
PAMELA KOZLOWSKI

STATE OF New Hampshire  
COUNTY OF Grafton  
Subscribed and sworn to before me this 3<sup>rd</sup>  
day of December, 2012.

Kathy A. Haben  
Notary Public J.P. X  
My commission Expires: 11/30/2016



MacLead

Knowledge

Observed

13a

13b

13c

13di

13dii

13e

13f

13g

13h

13i

13j

13k

13l

14a

14b

14c

14d

14e

14f

14g

14h;

14hii

11, 12

11, 12

14hiii

14hiv

11-12

Ex 3f

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

\*\*\*\*\*

Estate of Michele M. Walker, Charles E. Walker,  
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of  
the Courts and State of New Hampshire - NH Second  
Circuit Littleton District Division -  
Administrative Office of the Courts

\*\*\*\*\*

DEPOSITION OF LAWRENCE A. MACLEOD

This deposition taken by agreement of counsel  
at the Office of the Attorney General, 33 Capitol  
Street, Concord, New Hampshire, on Wednesday,  
November 7, 2012, commencing at 2:28 P.M.

1 A Just in terms of my own observations, is that  
2 what you are asking?

3 Q No, I am first asking if you ever had any  
4 input into an actual review process?

5 A No, never.

6 Q Your own observations, what would you say  
7 about her work?

8 A Very competent.

9 Q What about Lisa Towle?

10 A I couldn't really say. I occasionally ran  
11 into Lisa up there, I think in Plymouth,  
12 sometimes she was there, very minimal  
13 interaction.

14 Q Do you recall an occasion when you approached  
15 Michele Walker about a concern you had about  
16 Lisa?

17 A I think I know what you are talking about. I  
18 don't think I approached Michele Walker. I  
19 may have mentioned it to her, but I don't have  
20 a memory of that.

21 Q Do you remember you having an issue about Lisa  
22 Towle talking to her lawyer at the window?

23 A I do.

1 Q What did you observe?

2 A To the best of my memory, I observed -- she  
3 was -- this is sort of a small -- it was an  
4 addition to the courthouse, a family came in.  
5 She was there talking to her lawyer about,  
6 obviously something had to do with her own  
7 litigation, and I was in the room, maybe photo  
8 copying or getting something off a printer or  
9 something like that. It struck me as  
10 something she shouldn't be doing there under  
11 those circumstances.

12 Q Do you remember mentioning it to Michele  
13 Walker?

14 A I don't remember mentioning it to her. I  
15 could have.

16 Q Let me show you, just ask you, and this is  
17 page 3184 of the AOC production. If you could  
18 read the first paragraph on the top and tell  
19 me if this sounds familiar to you?

20 A Starting where?

21 MS. DEMPSEY: "At the end of 2008"

22 Q First paragraph here.

23 A Beginning "spoke to"?

LAWRENCE A. MACLEOD November 7, 2012

Page 18

cover for Judge Zielinski or something. That may have been.

There was another occasion, I think, when my wife was covering for a clerk in Lebanon for Judge Cirone in the district court. I think I was there that day. I am not certain. Maybe just what she told me, because it was awhile ago, but I wouldn't have been working with her directly.

Q You mean she told you --

A I don't know if my memory was correct that I was there the day she was there with Judge Cirone when she was working district court or whether she told me about it. It was a funny story that happened in the court. I don't know if I was there -- typically, he and I are not there the same days, but sometimes we overlap. I may have been there doing family court.

Q I am going to show you what we marked as Brown 4. My question is whether you think that is around the time period you had the conversation with Michelle Brown or not?

Page 19

A It could be. I honestly don't remember the dates or the date that I made this observation, at least until --

Q And have you ever reviewed any of the stalking order petitions or anything with respect to Lisa Towle?

A No.

Q Anytime before this case, were you aware there were any petitions against her?

A I think people have told me that.

Q Who do you think told you that?

A Some court staff.

Q Let me have a minute, please.

Did you ever observe any behavior in the clerk's office other than the incident we talked about with Lisa Towle and her attorney that concerned you?

A In Littleton?

Q In Littleton, sorry?

A No.

Q Did you ever hear any sexual jokes while working in Littleton?

A No.

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(TIME NOTED: 02:49 PM)

## ERRATA SHEET AND CERTIFICATE OF WITNESS

In accordance with the rules of procedure governing depositions, you are entitled to read and correct your deposition transcript. Please read your deposition, and on this errata sheet make any necessary corrections or changes, either in form or substance. Identify those corrections/changes by page and line number, stating the change and the reason. Please do not mark the actual transcript. (Make extra copies of this sheet if you need to indicate more changes or corrections than will fit on this one page.) When completed, date and sign the errata sheet and have your signature notarized.

I, LAWRENCE A. MACLEOD, do hereby certify that I have read the foregoing transcript of my testimony, and further certify that it is a true and accurate record of my testimony given on November 7, 2012, (with the exception of the corrections listed below):

PAGE	LINE	CORRECTION AND REASON FOR CORRECTION
14		
15		
16		
17		
18		
19		

LAWRENCE A. MACLEOD

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

Page 21

My commission Expires: \_\_\_\_\_

## CERTIFICATE

I, Rebecca Lynn Metea, a Licensed Court Reporter, in and for the State of New Hampshire, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the deposition of LAWRENCE A. MACLEOD, who was first duly sworn, taken at the place and on the date hereinbefore set forth.

I further certify that I am neither counsel for nor related to or employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Rebecca Lynn Metea  
Licensed Court Reporter  
Certificate Number 39

6 (Pages 18 to 21)

Moeckel Agree it would  
be Hostile?

13a

13b

13c

13di

13dii

13e

13f

13g

13h

13i

13j

13k

13l

Yes, (inappropriate)  
for workplace)

14a

14b

14c

14d

14e

14f

14g

14hi

14hii

14hiii

14hiv

Yes - hostile

152-158

EX 35

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE  
No. 1:11-CV-421-PB

\* \* \* \* \*

\* Estate of Michele M. Walker,  
\* Charles E. Walker, Administrator \*

\*  
\* vs. \*

\*  
\* State of New Hampshire - AOC,  
\* et al \*

\* \* \* \* \*

DEPOSITION OF JENNIFER S. MOECKEL,  
taken at the offices of the Attorney General,  
33 Capitol Street, Concord, New Hampshire,  
on Friday, March 29, 2013, commencing  
at 9:45 a.m.



Walker v. State of NH-AOC, et al  
Deposition of Jennifer S. Moeckel

3/29/13

<p style="text-align: right;">Page 150</p> <p>1 sentence says, "The report also appropriately</p> <p>2 includes remedial action to be taken, addressing</p> <p>3 staff about inappropriate comments."</p> <p>4 So I guess you got that from the Kelly</p> <p>5 report, correct?</p> <p>6 A. Yes. What I was referring to there was that Judge</p> <p>7 Kelly indicated in his report that he thought --</p> <p>8 this is not a quote. I don't recall his exact</p> <p>9 words, but in general that either he was going to,</p> <p>10 or was going to ask someone to address with staff</p> <p>11 some of the banter that had occurred in the</p> <p>12 workplace.</p> <p>13 Q. Do you know if in fact that was done?</p> <p>14 A. I don't know one way or another.</p> <p>15 Q. Do you know why Judge Kelly finished the report</p> <p>16 since Michele was already dead?</p> <p>17 A. I would have to speculate.</p> <p>18 Q. What's your -- Go ahead and speculate?</p> <p>19 A. If I were to speculate, I would speculate that</p> <p>20 because the employer had taken this matter so</p> <p>21 seriously and had this very thorough and lengthy</p> <p>22 investigation conducted that it would be a shame</p> <p>23 not to have the conclusions reached and to have</p>	<p style="text-align: right;">Page 152</p> <p>1 answer.</p> <p>2 Q. (BY MS. JOHNSON) Take your time to read 13.</p> <p>3 (Pause)</p> <p>4 Actually read 13 and 14.</p> <p>5 (Discussion without record.)</p> <p>6 (Recessed at 2:35 p.m.)</p> <p>7 (Reconvening at 2:38 p.m.)</p> <p>8 Q. (BY MS. JOHNSON) Okay, back to No. 13. If the</p> <p>9 things alleged in Paragraph 13 and its subparts</p> <p>10 had happened, would you agree that that could</p> <p>11 constitute a hostile environment based on sex?</p> <p>12 MS. DEMPSEY: If some parts had happened is</p> <p>13 the question?</p> <p>14 Q. (BY MS. JOHNSON) If they -- well, for starters,</p> <p>15 if they all happened?</p> <p>16 A. If I assume that all of these things happened as</p> <p>17 alleged?</p> <p>18 Q. Right.</p> <p>19 A. Then yes, it could constitute a hostile</p> <p>20 environment. I'd want more information, but it</p> <p>21 could.</p> <p>22 Q. And I'm just going to throw out a number. If half</p> <p>23 of them had happened, would that constitute the</p>
<p style="text-align: right;">Page 151</p> <p>1 the benefit of that information so that there</p> <p>2 could be finality to the sense -- I don't know if</p> <p>3 that's the word exactly that I want, but to bring</p> <p>4 the matter to a close and reach whatever</p> <p>5 conclusions needed to be reached.</p> <p>6 Q. Unfortunately that had to happen without finishing</p> <p>7 Ms. Walker's interviews?</p> <p>8 A. That's very unfortunate, yes. Unfortunate, I'm</p> <p>9 referring to the sadness to the end of her life.</p> <p>10 Q. Thank you. Yes. I'm going to ask you to take a</p> <p>11 look at the complaint. We're going to mark it as</p> <p>12 Exhibit 9, I think.</p> <p>13 (Moeckel Exhibit 9 marked for I.D.)</p> <p>14 Q. (BY MS. JOHNSON) Are you familiar with the</p> <p>15 complaint relatively?</p> <p>16 A. I have read it.</p> <p>17 Q. Okay. Paragraph 13, those allegations in</p> <p>18 Paragraph 13, would you agree with me that if</p> <p>19 those things actually had happened that that might</p> <p>20 be an environment that was hostile or sexually --</p> <p>21 excuse me -- that that might be a hostile</p> <p>22 environment?</p> <p>23 MS. DEMPSEY: Objection as to form. You can</p>	<p style="text-align: right;">Page 153</p> <p>1 same type of environment?</p> <p>2 A. It might depending which half. And I'm not trying</p> <p>3 to be flip.</p> <p>4 Q. The more severe one's you're agreeing to if they</p> <p>5 had happened?</p> <p>6 A. Yah, I'm struggling with the percentage piece, but</p> <p>7 some of the allegations are severe certainly.</p> <p>8 Although I don't even know. I might back off of</p> <p>9 the use of the word severe because I don't know if</p> <p>10 I have enough information.</p> <p>11 Q. It could also be pervasive?</p> <p>12 A. Right. The legal standard is severe or pervasive.</p> <p>13 Q. I'll just ask you to read them to yourself. Are</p> <p>14 any of these incidents that are alleged in</p> <p>15 Paragraph 13 and its subparts, any of them</p> <p>16 appropriate to be in the workplace?</p> <p>17 (Pause)</p> <p>18 A. I don't view these as workplace appropriate</p> <p>19 behavior. And I say that not in the legal sense</p> <p>20 because the legal standard is high but, you know,</p> <p>21 these are not -- they're not good workplace</p> <p>22 behavior.</p> <p>23 Q. Is it fair to assume that these are some of the</p>

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Deposition of Jennifer S. Moeckel

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1 behaviors that Judge Kelly wanted in place to be  
2 warned about as far as the banter in the  
3 workplace?

4 MS. DEMPSEY: Objection as to form. You can  
5 answer.

6 THE WITNESS: My recollection of Judge  
7 Kelly's report is that he wanted to address or  
8 have someone address -- and I'm not clear on who  
9 was to address the banter that occurred in the  
10 workplace. My recollection of the report is that  
11 there was a finding that there were, there was  
12 some mutually engaged in banter or joking and he  
13 wanted that addressed.

14 Q. (BY MS. JOHNSON) Well, it's fair to say he wanted  
15 any of that type of thing addressed, whether it  
16 was mutual or not, correct?

17 MS. DEMPSEY: Objection as to form. You can  
18 answer.

19 THE WITNESS: I guess my recollection of the  
20 report isn't that specific.

21 Q. (BY MS. JOHNSON) Okay.

22 A. But my opinion, what I'm saying is based on the  
23 report, so whatever the report says would govern

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1 my question.

2 Q. All right. And Paragraph, the same question, is  
3 any of the behavior described in 14 and its  
4 subparts appropriate for the workplace?

5 (Pause)

6 A. There's not an item on the list that I would  
7 identify and recommend for workplace behavior.

8 Q. So it would be inappropriate, in other words?

9 A. Yes. I mean there are some things where you would  
10 say, well, if I had more information, for example,  
11 g, which alleges that Towle approached plaintiff  
12 on at least three occasions that day, yelling and  
13 red-faced. Without knowing what was making her  
14 angry, I mean if there was something that had been  
15 upsetting, you know, there were --

16 Q. Right, if someone was sick or injured or that kind  
17 of thing, but --

18 A. Exactly.

19 Q. But if that was happening with respect to, you  
20 know, she didn't -- well, it could go either way,  
21 correct, depending on the facts?

22 A. Yes.

23 Q. All right. And of the events in 14, if these

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1 things had occurred would you agree they would  
2 contribute towards a hostile environment?

3 A. I'm hesitating because I think of a hostile  
4 environment in terms of behavior directed at  
5 someone because of their membership in a legally  
6 protected classification, like directed at someone  
7 because of their sex, and these behaviors on their  
8 face don't appear to be directed at someone  
9 because of their sex or other legally protected  
10 category.

11 Q. Fair enough. If we just say generally hostile but  
12 not based on a protected category, you would agree  
13 with me not tending towards hostile environment on  
14 a sex based or protected category?

15 A. I would, yah. I mean I would agree that it would  
16 not be a workplace that I would choose to apply to  
17 work in.

18 Q. It would be uncomfortable if this was going on,  
19 correct?

20 A. If it all happened as alleged.

21 Q. Or most of it, correct?

22 MS. DEMPSEY: Objection as to form. You can  
23 answer.

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1 THE WITNESS: Depends which most.

2 MS. JOHNSON: Okay. All right. I'm going to  
3 have this marked as No. 10.

4 (Moeckel Exhibit 10 marked for I.D.)

5 Q. (BY MS. JOHNSON) My first question, this  
6 November 9th, 2009, complaint, you have seen this  
7 before, correct?

8 (Document exhibited to witness.)

9 A. Yes, I have.

10 Q. All right. This was Miss Walker's complaint to  
11 Miss Hurley that goes into greater detail on the  
12 sexual harassment, correct?

13 A. Correct.

14 Q. Are you aware that as of this time Miss Walker did  
15 not know whether or not the investigation was  
16 complete?

17 MS. DEMPSEY: Objection as to form. What  
18 investigation?

19 Q. (BY MS. JOHNSON) Miss Hurley's investigation?

20 A. I'm just trying to be certain in my own head. I  
21 believe that's the case, because I believe she  
22 commenced a leave before the results of  
23 Ms. Hurley's investigation were shared with her.

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Page 158	Page 160
1 Q. And do you know if in fact Ms. Hurley's	1 (Reconvening at 2:56 p.m.)
2 investigation was ever shared with her, the	2 MS. JOHNSON: I am all done. Thank you very
3 results?	3 much for your participation and answering my
4 A. I don't know the answer.	4 questions to the best of your abilities. Thank
5 Q. Okay. So as far as Miss Walker was apparently	5 you.
6 concerned when she sent this November 9th	6 THE WITNESS: Thank you.
7 complaint the Hurley investigation was ongoing?	7 (Deposition concluded at 2:57 p.m.)
8 MS. DEMPSEY: Objection as to form.	8
9 THE WITNESS: Yah, I guess I'm not sure what	9
10 information she would have had.	10
11 Q. (BY MS. JOHNSON) Okay. If in fact Miss Walker	11
12 did not know Miss Hurley had concluded her	12
13 investigation this complaint as far as Miss Walker	13
14 was concerned would be then added to the Hurley	14
15 investigation, correct?	15
16 MS. DEMPSEY: Objection as to form.	16
17 THE WITNESS: That might be one reasonable	17
18 assumption for her to make.	18
19 Q. I'm going to show you this, which I don't remember	19
20 where it came from, but I'd ask if you've seen	20
21 that before?	21
22 I really don't know the answer to that	22
23 question. This will be 11.	23

Page 159	Page 161
1 (Moeckel Exhibit 11 marked for I.D.)	1 Moeckel - 3/29/13
2 A. I don't believe I've seen this before. I'm not	2 ERRATA SHEET
3 sure if what I have --	3 In accordance with the rules of procedure
4 Q. We don't need --	4 governing depositions, you are entitled to read
5 (Discussion without record.)	4 and correct your deposition transcript. Please
6 Q. (BY MS. JOHNSON) Have you seen this before?	5 read your deposition and on this errata sheet
7 A. I don't believe I have.	5 make any necessary corrections or changes, either
8 Q. Have you had a chance to read it?	6 in form or substance. Identify those
9 A. So far I've read the first page.	6 corrections/changes by page and line number,
10 Q. You know what, that's fine. I don't need to ask	7 stating the change and the reason. Please do not
11 you further questions since you haven't seen it.	7 mark the actual transcript. (Make extra copies
12 Thanks.	8 of this sheet if you need to indicate more
13 Do you think it was important for the -- I	8 changes or corrections than will fit on this one
14 think I asked you whether or not it was important	9 page.) When completed, date and sign the errata
15 for Miss Hurley to review the stalk petitions?	9 sheet and have your signature notarized:
16 A. You did ask.	10 Page/Line Correction Reason
17 Q. And you said no, not necessarily?	11 _____
18 A. I think I said either not necessarily or it would	12 _____
19 depend or something along those lines.	13 _____
20 MS. JOHNSON: Can we take five minutes?	14 _____
21 THE WITNESS: Sure.	15 _____
22 (Discussion without record.)	16 _____
23 (Recessed at 2:51 p.m.)	17 _____
	18 _____
	19 _____
	20 Date: _____ Signature of Deponent: _____
	21 Subscribed and sworn to before me this
	21 _____ day of _____, 20____.
	22 _____
	23 Notary Public/Justice of the Peace

Towle

Agrees Would Be  
Harassment?

Observed

13a

Y

13b

Y

13c

13di

13dii

146

13e

13f

153

147

13g

13h

13i

13j

13k

13l

14a

14b

14c

14d

14e

14f

14g

14hi

154

14hii

14hiii

14hiv

155-156

143-152

Ex 3H

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

\*\*\*\*\*

Estate of Michele M. Walker, Charles E. Walker,  
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of  
the Courts and State of New Hampshire - NH Second  
Circuit Littleton District Division -  
Administrative Office of the Courts

\*\*\*\*\*

DEPOSITION OF LISA TOWLE

This deposition taken by agreement of counsel  
at the Office of the Attorney General, 33 Capitol  
Street, Concord, New Hampshire, on Friday,  
November 2, 2012, commencing at 8:53 A.M.

page	Line	Reason
79	15	Remove "and I left"
84	16	-- s/b left
86	21	insert after telling "Brenda about it"
106	19	at beginning of statement add - and would not stop
118	13	add to the end - Lord, King,
121	17	again s/b against
142	11	insert Judge after Loe
147	10	corrected s/b infected
129	4	employment s/b residence

12 DEC -7 AM 11:17

STATE OF NH  
DEPT OF JUSTICE



LISA TOWLE

November 2, 2012

Page 142

Page 144

1 Q Do you remember Michelle Brown saying she  
2 loved Judge MacLeod?

3 A Yes.

4 Q What do you remember about that?

5 A It was part of -- an order had just been  
6 issued. No, I am sorry, I take that back.

7 We had needed him to sign, look at  
8 an order because we had an emergency order  
9 came in. And she called down to see if Judge  
10 MacLeod could look at it. She said, oh, I  
11 just love MacLeod. I took it because he was  
12 willing to look at the order and take time off  
13 from his hearing to look at the order for us.

14 Some judges, if they are busy,  
15 wouldn't look at them. It happens on a daily  
16 basis. If they are overwhelmed with cases,  
17 they don't have the time.

18 Q Do you remember ever telling Stan, the  
19 bailiff, jokes?

20 MS. DEMPSEY: Objection as to form.  
21 You can answer.

22 A I don't recall.

23 Q Do you ever recall telling him jokes with the

Page 143

1 word "cock" in it?

2 A No, not that I recall.

3 Q Is it possible you did, you just don't recall?

4 A No.

5 Q Do you recall discussing with Lynn during the  
6 work time, about younger men having -- having  
7 sex with younger men?

8 MS. DEMPSEY: Objection as to form.  
9 You can answer.

10 A No.

11 Q Is it possible you had that discussion, and  
12 you just don't recall it?

13 MS. DEMPSEY: Same objection. You  
14 can answer.

15 A No.

16 Q I am going to show you what we have marked as  
17 Knapp Exhibit 8, and you have seen this  
18 document before?

19 A Yes.

20 Q Can you turn to page 4, paragraph 13. I am  
21 just going to go through the lettered  
22 paragraphs with you and ask you a couple of  
23 questions.

1 If you could read A to yourself and  
2 then I have a question. And this is with  
3 respect to Michele Walker. Do you know  
4 anything about -- excuse me.

5 Do you have any facts about  
6 paragraph A?

7 MS. DEMPSEY: Objection as to form.  
8 You can answer.

9 A Do I have any --

10 Q Do you know anything about paragraph A as far  
11 as did you witness any such incidents?

12 A No.

13 Q And if those happened, would those be  
14 inappropriate for the workplace?

15 A Yes.

16 Q And B, openly discussing participating in  
17 homosexual activities, did you observe that at  
18 work?

19 A No.

20 Q And would that be inappropriate?

21 A Yes.

22 Q And co-workers bringing in pictures of  
23 homosexual parties, you said you didn't see

Page 145

1 anything such as that?

2 A No.

3 Q The comment, I can still land a guy in his  
4 20s, you don't recall hearing that?

5 A No.

6 Q And how about, I gave the bailiff a blow job,  
7 and he never had it done with a tongue ring  
8 before.

9 Did you hear that?

10 A Are you asking if I heard it in the court?

11 Q Did you hear that at work?

12 A No.

13 Q Did you hear that outside work?

14 A Yes.

15 Q And where did you hear that?

16 A From Lynn.

17 Q And on what occasion?

18 A We had gone for a walk. I don't remember the  
19 time frame.

20 Q So like the break or something?

21 A Yes. Lunch break.

22 Q And did you repeat that to anyone?

23 A No.

37 (Pages 142 to 145)



LISA TOWLE

November 2, 2012

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Page 148

1 Q She didn't have any problem obviously sharing  
2 that with you?  
3 MS. DEMPSEY: Objection as to form.  
4 You can answer.  
5 A Correct.  
6 Q E, can you read that to yourself, please?  
7 My question is other than what we  
8 discussed about Judge MacLeod's underwear, the  
9 comment, I love Judge MacLeod, probably that  
10 he just looked at this order for me, do you  
11 recall any other facts that would pertain to  
12 paragraph E?  
13 A No.  
14 Q Next page, please. F, I think you just talked  
15 about, you don't recall any sexually offensive  
16 jokes?  
17 A Correct.  
18 Q G, Lynn Gilman lifting up her shift and  
19 showing her belly ring to plaintiff and asking  
20 if she wanted to see her nipple ring.  
21 My question is, did Lynn ever  
22 participate -- did Lynn ever show you her  
23 belly ring or talk about nipple rings?

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Page 149

1 A Well, at the court?  
2 Q Let's start with at the court?  
3 A No.  
4 Q What about outside the court?  
5 A Yes, I had seen her belly ring.  
6 Q During one of the occasions you went out?  
7 A Because I had just gotten mine done as well.  
8 Mine was irritated, so she was showing me what  
9 it should look like. I thought mine was  
10 irritated.  
11 Q Was this at someone's house, or where were  
12 you?  
13 A Yes, we were at her house.  
14 Q How many times would you say you socialized  
15 with Lynn Gilman over the years?  
16 A I am sorry. How many times have I associated  
17 with her?  
18 Q Socialized with her, outside of work?  
19 A We went for a walk all the time on lunch  
20 breaks.  
21 Q Outside of work?  
22 A Those two occasions that I previously  
23 mentioned.

1 Q When you went to Lynn's house and Miriam was  
2 there?  
3 A Yes.  
4 Q And then when was the other occasion?  
5 A I had actually gone to her house, and she went  
6 back with me to Laconia to meet another friend  
7 of mine, and we went to Laconia bike week.  
8 Q And did Lynn Gilman ever invite you to engage  
9 in any type of sexual relationship with her?  
10 A No.  
11 Q I am assuming you did not engage in any sexual  
12 relationship with her?  
13 A No.  
14 Q Have you ever engaged in a lesbian  
15 relationship?  
16 A No.  
17 Q H, Michele Walker picked up the family  
18 division phone to cover for absent co-worker  
19 when a male voice said, hi, Mrs. Blow Job.  
20 You were good last night.  
21 My question is, were you there when  
22 that occurred?  
23 A No.

1 Q Do you remember hearing about it at work?  
2 A No.  
3 Q Did you ever hear Michelle Brown talk about  
4 it?  
5 A No.  
6 Q Letter I, if you could read that to yourself,  
7 please?  
8 A Okay.  
9 Q Do you recall that e-mail?  
10 A I do.  
11 Q And what was it about?  
12 A I don't remember the full content of it.  
13 Q What was the gist of it?  
14 MS. DEMPSEY: Objection as to form.  
15 You can answer.  
16 A Honestly, I don't remember even the gist of  
17 it. I remember the situation being that  
18 Michele Walker chuckled because she got a  
19 response from Madeline Walker. She said, I  
20 bet she has her undies in a bunch over that  
21 one.  
22 Q The wrong person had received it?  
23 A Yes.

38 (Pages 146 to 149)

LISA TOWLE

November 2, 2012

Page 150

Page 152

1 Q By the way, do you know where Lynn Gilman  
2 currently lives?  
3 A I do not.  
4 Q Do you know what town she lives in?  
5 A I do not.  
6 Q State?  
7 A I believe she is in Maine.  
8 Q And do you have an idea where that might be?  
9 A I don't.  
10 Q Do you know if she lived in Maine before?  
11 A I do not. I know that she went up there with  
12 her boyfriend who had a house -- Standard?  
13 Q Standish?  
14 A Maybe. Maybe. I know that my daughter and I  
15 went up on a Saturday, Friday or Saturday and  
16 spent the day with her at the beach and had  
17 lunch with her and then had dinner with her  
18 and her boyfriend.  
19 Q That is actually a third time you socialized  
20 with her?  
21 A Yes, I am sorry. That is correct. I am  
22 sorry.  
23 Q Does that stir your memory of any other times?

1 A Correct.  
2 Q You can have a private conversation in your  
3 office if you want to?  
4 A Yes.  
5 Q Also in circuit court, correct?  
6 A Yes.  
7 Q What about K, Brown referring to a New  
8 Hampshire state trooper she thought was  
9 attractive, stated she just wanted to lick his  
10 teeth.  
11 Do you recall hearing anything like  
12 that?  
13 A No.  
14 Q And do you recall Brown asking the plaintiff  
15 if her husband could still get it up?  
16 A I do not.  
17 Q Do you recall anyone talking to Michele Walker  
18 about that?  
19 A I do not.  
20 Q What about paragraph 14 -- First of all,  
21 things in 13 that we just went through, would  
22 you agree if those things happened, those  
23 could constitute sexual harassment?

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1 A No.  
2 Q And what was the boyfriend's name at the time?  
3 A I believe it was Rob or is Rob.  
4 Q Do you know what his last name is?  
5 A I don't.  
6 Q Did you ever hear whether there was an  
7 administrative complaint filed with respect to  
8 the explicit e-mail referenced in paragraph I?  
9 A I do not.  
10 Q J, if you could read that to yourself, please.  
11 A Okay.  
12 Q My question is, you already said you didn't  
13 hear the comment made about or insinuating  
14 that Michelle Brown had gone home for sex for  
15 lunch, you didn't hear anything like that?  
16 A Correct.  
17 Q And your office, we have pictures, but it is a  
18 pretty decent-size space, right?  
19 A Yes.  
20 MS. DEMPSEY: Objection as to form.  
21 You can answer.  
22 Q You can't overhear what everyone is saying  
23 from every angle in that room, correct?

1 MS. DEMPSEY: Objection as to form.  
2 You can answer.  
3 A Yes.  
4 Q 14, these are allegations that Michele has  
5 made with respect to the hostile environment,  
6 retaliation. In paragraph A, do you admit or  
7 deny paragraph A?  
8 A Deny.  
9 Q What about B?  
10 A Denied.  
11 Q What about C?  
12 A Denied.  
13 Q Did you say anything similar to that to  
14 Michele about calling her a princess?  
15 A No.  
16 Q What about D? We talked about that. You deny  
17 saying that?  
18 A Correct.  
19 Q What about E?  
20 A Denied.  
21 Q But did you tell her not to answer your phone  
22 or wait on customers?  
23 A I told them that they didn't have to.

39 (Pages 150 to 153)

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1 Q So you weren't requesting them not to?

2 A Correct.

3 Q But when you got back, you sent an e-mail

4 complaining to Michelle Brown that she had

5 answered your phone, right?

6 MS. DEMPSEY: Objection as to form.

7 You can answer.

8 A I believe it was because of the way -- I would

9 have to look at the e-mail, I am sorry.

10 Q F, can you read that to yourself?

11 A Denied.

12 Q What about G?

13 A Denied.

14 Q And then H, little i?

15 A Denied.

16 Q ii?

17 A I did discuss the legal order that was given

18 to me by my attorney, with my attorney.

19 Q And was it in a loud manner?

20 A No.

21 Q Do you recall Judge Cyr or Judge MacLeod

22 coming into the area when you were talking to

23 your lawyer?

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1 A No.

2 Q And iii?

3 A Denied.

4 Q Except you did date two people who had cases

5 in the family division, right?

6 A Right, but that is not what that is saying.

7 Q Okay. You did date two people whose files you

8 had access to for some time?

9 MS. DEMPSEY: Objection as to form.

10 You can answer.

11 A We did discuss that I dated two people that

12 did have cases in the court.

13 Q You would have had access to their files

14 during that time, correct, that their cases

15 were in court?

16 A I would have had access to it, but I did not

17 access them for such purposes as dating them.

18 Q Did you access them for other purposes?

19 A If it was court-related, yes.

20 Q What about little iv?

21 A I do recall Michele looking at a car online.

22 I believe she had been car shopping that

23 weekend and was receiving follow-up calls.

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1 Q Do you know how much time she spent doing

2 that?

3 A I don't recall.

4 Q Thank you.

5 MS. JOHNSON: Let's take a three- or

6 four-minute break, and then I will probably

7 have 10 or 15 minutes at the most.

8 (Short recess.)

9 Q Let me show you this document and have you

10 explain what it is and just explain what it is

11 after you take a look at it, and after we mark

12 it.

13 (Whereupon, the court reporter

14 marked Exhibit Number 20, Copy of napkin with

15 notes, for Identification.)

16 Q First question is, what is this?

17 A This is a photocopy of a napkin that was left

18 on my vehicle by my ex-husband, Aldis Wright.

19 Q And that is in December of '08?

20 A Yes.

21 Q This is while the guardianship was going on?

22 A I don't know if we had applied for

23 guardianship yet.

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1 Q This was right before the incident with your

2 lawyer talking with you at the window, right?

3 MS. DEMPSEY: Objection as to form.

4 You can answer.

5 A I don't remember the exact date. So I would

6 have to look at it. This would have been

7 after that, yes.

8 Q After the conversation with your lawyer?

9 A Yes.

10 Q And that case was the guardianship?

11 A No, everything was -- the guardianship was

12 dismissed, and then there was nothing going on

13 at that time.

14 Q So did you know what he wanted to talk to you

15 about?

16 A No.

17 Q Did you call him?

18 A No.

19 Q Was this during the time when you were

20 complaining that he wasn't seeing the

21 children?

22 A He didn't see the children a lot.

23 Q Did it include during this time?

40 (Pages 154 to 157)

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November 2, 2012

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## 1 ERRATA SHEET AND CERTIFICATE OF WITNESS

2 In accordance with the rules of procedure  
 3 governing depositions, you are entitled to read and  
 4 correct your deposition transcript. Please read  
 5 your deposition, and on this errata sheet make any  
 6 necessary corrections or changes, either in form or  
 7 substance. Identify those corrections/changes by  
 8 page and line number, stating the change and the  
 9 reason. Please do not mark the actual transcript.  
 10 (Make extra copies of this sheet if you need to  
 11 indicate more changes or corrections than will fit  
 12 on this one page.) When completed, date and sign  
 13 the errata sheet and have your signature notarized.

14 I, LISA TOWLE, do hereby certify that I have  
 15 read the foregoing transcript of my testimony, and  
 16 further certify that it is a true and accurate  
 17 record of my testimony given on November 2, 2012,  
 18 (with the exception of the corrections listed  
 19 below):

20 PAGE	21 LINE	22 CORRECTION AND REASON FOR CORRECTION
23 4	7	Ann s/b Ein
4	13	Remove as I had asked that physical address
#		remain confidential
10	9	Porfido's Market and Deli
14	17	Magistrate s/b administrative
15	21	Millon s/b Mullen
16	15	Wherever you s/b where we
17	11	Chair s/b desk

23 4 7 Ann s/b Ein  
 4 13 Remove as I had asked that physical address  
 # remain confidential  
 10 9 Porfido's Market and Deli  
 14 17 Magistrate s/b administrative  
 15 21 Millon s/b Mullen  
 16 15 Wherever you s/b where we  
 17 11 Chair s/b desk

→ over

18 Lisa Towle  
 19 LISA TOWLE

20 STATE OF New Hampshire  
 21 COUNTY OF Grafton  
 22 Subscribed and sworn to before me this 5th  
 23 day of December, 2012.

22 Brenda H. Jewett  
 23 Notary Public J.P. ✓  
 My commission Expires: 8/08/17